



**NAVAL
POSTGRADUATE
SCHOOL**

MONTEREY, CALIFORNIA

THESIS

**CONDITIONS OF DEMOCRATIC EROSION:
HAS U.S. DEMOCRACY REACHED A TIPPING POINT?**

by

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December 2018

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REPORT DOCUMENTATION PAGE			<i>Form Approved OMB No. 0704-0188</i>	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington, DC 20503.				
1. AGENCY USE ONLY (Leave blank)		2. REPORT DATE December 2018	3. REPORT TYPE AND DATES COVERED Master's thesis	
4. TITLE AND SUBTITLE CONDITIONS OF DEMOCRATIC EROSION: HAS U.S. DEMOCRACY REACHED A TIPPING POINT?			5. FUNDING NUMBERS	
6. AUTHOR(S) Christian D. Tubbs				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000			8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A			10. SPONSORING / MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.				
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release. Distribution is unlimited.			12b. DISTRIBUTION CODE A	
13. ABSTRACT (maximum 200 words) <p>This thesis provides readers an in-depth analysis of the alleged existence of democratic erosion in the United States using Peru, Hungary, and pre-World War II Germany as case studies to show historical examples of the phenomenon. Using Mayring's qualitative analytical model, this thesis finds that these three countries demonstrated conditions that became tipping points toward erosion as a result of the consolidation of power by their leaders. While the analysis finds the precursors of tipping points to democratic erosion in the three case studies, the analysis does not find signs of democratic erosion in the United States. It finds that the constitutional separation of powers and the checks and balances of the U.S. system continue to function as designed. The thesis does find, however, that the U.S. democratic system is being strained, as it is becoming increasingly difficult to bridge the ideological divide, and if the democratic system cannot resolve these challenges, or if elected officials and the electorate violate constitutional rules, it will experience a constitutional crisis.</p>				
14. SUBJECT TERMS democratic erosion, constitutional crisis, consolidation of power, separation of powers, democracy, polarization, democratic procedural minimums, retrogression, constitutional decay, authoritarianism, reversion			15. NUMBER OF PAGES 135	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT UU	

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REACHED A TIPPING POINT?**

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Submitted in partial fulfillment of the
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**MASTER OF ARTS IN SECURITY STUDIES
(HOMELAND SECURITY AND DEFENSE)**

from the

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ABSTRACT

This thesis provides readers an in-depth analysis of the alleged existence of democratic erosion in the United States using Peru, Hungary, and pre-World War II Germany as case studies to show historical examples of the phenomenon. Using Mayring's qualitative analytical model, this thesis finds that these three countries demonstrated conditions that became tipping points toward erosion as a result of the consolidation of power by their leaders. While the analysis finds the precursors of tipping points to democratic erosion in the three case studies, the analysis does not find signs of democratic erosion in the United States. It finds that the constitutional separation of powers and the checks and balances of the U.S. system continue to function as designed. The thesis does find, however, that the U.S. democratic system is being strained, as it is becoming increasingly difficult to bridge the ideological divide, and if the democratic system cannot resolve these challenges, or if elected officials and the electorate violate constitutional rules, it will experience a constitutional crisis.

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LIST OF ACRONYMS AND ABBREVIATIONS

CIA	Central Intelligence Agency
DOJ	Department of Justice
FBI	Federal Bureau of Investigations
FISA	Foreign Intelligence Service Act
GDP	gross domestic product
IG	Inspector General of the United States
MRTA	Movimiento Revolucionario Tupac Amaru
NAFTA	North American Free Trade Agreement
NMHH	National Media and Infocommunications Authority
TPP	Trans-Pacific Partnership
USMCA	United States-Mexico-Canada Agreement

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EXECUTIVE SUMMARY

For more than half a century, academics have expressed unease over the erosion of democratic governance in the United States and abroad.¹ Scholars have regarded American democracy as a critical stabilizing force in new and emerging democracies as well as those under threat from authoritarian rule.² There is a growing concern—both from within and outside the United States—that American democracy is not functioning effectively, as its political system is increasingly polarized and deadlocked and showing “signs of ill health.”³

Peru, Hungary, and pre–World War II Germany provide historical examples of democratic erosion. In these historical cases, there is evidence of conditions that became tipping points toward erosion. The conditions, or tipping points, are often intertwined and include conditions such as economic inequality, phobias, and perceived threats from outsiders.⁴ These tipping points have led some leaders to take actions such as rejecting or weakening the commitment to democratic rules, challenging the legitimacy of political opponents and institutions, tolerating violence, and reducing or eliminating civil liberties of opponents.⁵

¹ Alan I. Abramowitz and Kyle L. Saunders, “Is Polarization a Myth?” *Journal of Politics* 70, no. 2 (April 2008): 542–555, <http://www.journals.uchicago.edu/doi/abs/10.1017/S0022381608080493>.

² Larry Diamond, “Facing up to the Democratic Recession,” *Journal of Democracy* 26, no. 2 (January 2015): 152–153, <https://doi.org/10.1353/jod.2015.009>.

³ Diamond, 152. The following authors share the same (or similar) views: Steven Levitsky and Daniel Ziblatt, *How Democracies Die*, 1st ed. (New York: Crown, 2018); and Francis Fukuyama, *Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy* (New York: Farrar, Straus and Giroux, 2014), 1–19.

⁴ Levitsky and Ziblatt, *How Democracies Die*, 53–71.

⁵ Levitsky and Ziblatt, 53–71.

Scholars of democracy consistently agree that these conditions are present in the United States.⁶ These scholars and researchers suggest that these conditions are being used as a basis to reject or weaken commitment to democratic rules, challenge the legitimacy of political opponents and institutions, tolerate and even encourage violence, and reduce or eliminate civil liberties of opponents. Validating the presence of these conditions may provide the United States an opportunity to prevent these conditions from becoming tipping points and a threat to the erosion of our democracy.

Using Mayring's sequential model of qualitative content analysis, the research utilized a three-step analytical procedure of summarizing the data; explaining, clarifying, and annotating the material; and finally structuring the material. The research analyzed these conditions in Peru, Hungary, pre-World War II Germany, and the United States. The findings then categorized, by country, the tipping points of economic inequality, phobias, and the perceived threats from outsiders. Each tipping point was explained and characterized in the context of the events occurring at the time of the tipping point's presence. Each finding was structured so as to remove non-relevant elements and then analyzed and interpreted.

The research found clear evidence in U.S. history of policy changes made through a democratic process related to the conditions of economic inequality, phobias, and fear from outsiders. There is also historical evidence that these conditions in the past have, in some cases, led to rejecting or weakening the commitment to democratic rules, tolerating violence, reducing or eliminating civil liberties of opponents, and challenging the legitimacy of political opponents and institutions. However, to date and to the extent that

⁶ Alfred Stepan, ed., *Democracies in Danger*, 1st ed. (Baltimore: Johns Hopkins University Press, 2009); Juan J. Linz and Alfred Stepan, *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration* (Baltimore: John Hopkins University Press, 1978); Gero Erdmann and Marianne Kneuer, *Regression of Democracy?*, 1st ed. (Heidelberg, Germany: Springer-Verlag, 2011); Daron Acemoglu and James A. Robinson, *Why Nations Fail: The Origins of Power, Prosperity, and Poverty*, 1st ed. (New York: Crown Publishing, 2012); Edward Luce, *The Retreat of Western Liberalism*, 1st ed. (New York: Atlantic Monthly Press, 2017); Fathali M. Moghaddam, *The Psychology of Democracy* (Washington, DC: American Psychological Association, 2015); Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs* 76, no. 6 (December 1997): 22–43, <http://www.jstor.org/stable/20048274>; Philippe C. Schmitter and Terry Lynn Karl, "What Democracy Is . . . and Is Not," *Journal of Democracy* 2, no. 3 (2008): 75–88, <https://doi.org/10.1353/jod.1991.0033>; and Larry Jay Diamond and Marc F. Plattner, eds., *The Global Divergence of Democracies* (Baltimore: Johns Hopkins University Press, 2001).

they have occurred, these actions have either been accomplished through the democratic legislative process or, when challenged, adjudicated and subsequently incorporated into public policy. As a result, the evidence suggests that none of these actions have led to the erosion of American democracy under the current administration—though Americans should remain diligent in oversight and analysis.

Scholars warn that most democratic failures occur as a result of slow erosion, or retrogression, often at a speed that is barely perceptible. Moreover, the research suggests that small changes, which may at first appear rational, can lead to democratic erosion. Most notably, people who deem these actions necessary or logical often give political consent to such changes, which ultimately lead to some form of democratic erosion.⁷ But *how* those actions are taken is of constitutional consequence. The United States has long debated various national policies and determined that many actions have violated constitutional law; however, ultimately, these actions have been adjudicated through a democratic process that ensures none of the three branches of government exerts unilateral or undue control and retains the necessary balance of power.

Leading constitutional law professors suggests that a constitutional crisis exists when one or both of two fundamental elements are violated: “when important political disputes cannot be resolved within the existing constitutional framework ... [or] if important political actors no longer [believe] themselves bound by the constitutional rules.”⁸ In the cases of Peru, Hungary, and pre-World War II Germany, the national leadership of these countries took actions that violated these two fundamental elements, which led to the erosion of democracy. They serve as a kind of a template for the United States to signal the eroding of democratic procedural minimums.

The framers of the U.S. Constitution and the Bill of Rights were students of the human condition and were intimately aware that the tendency of those in power was to accumulate more power. Therefore, they endeavored to build a framework for governance

⁷ Levitsky and Ziblatt, *How Democracies Die*, 92–93.

⁸ Keith E. Whittington, “The Coming Constitutional Crisis?,” *Lawfare* (blog), July 21, 2017, <https://www.lawfareblog.com/coming-constitutional-crisis>.

that recognized those in power would pursue self-interest at the expense of the people.⁹ The framers believed deeply that the government, as a steward of the people, ought to protect their right to self-determination and liberty, recognizing that governments historically abused this responsibility.¹⁰ The case studies illuminate examples of governments abusing power. Each case shows the ways in which the rights of the people were abused as well as the consequences of those actions. Pre–World War II Germany serves as an extreme example of the abuse of the people’s power. In each case, the national leaders leveraged conditions to take actions that ultimately facilitated their consolidation of power, which resulted in an erosion of democratic procedural minimums.

Though this thesis found evidence in the United States of conditions similar to those in Peru, Hungary, and Pre–World War II Germany, to date there is no evidence that any U.S. president has used those conditions to consolidate power. However, today there is evidence of increasing partisan division within the United States, which research has shown warrants concern. While disagreement is unavoidable, how the United States handles the differing viewpoints is critical. If the ideological divide in the United States becomes so severe that government leaders are no longer able or willing to collaborate and compromise, the nation will likely find itself in a constitutional crisis. As John Dickinson noted in 1768, “A people is travelling fast to destruction, when individuals consider their interests as distinct from those of the public. Such notions are fatal to their country and themselves.”¹¹

⁹ Eric Lane and Michael Oreskes, *The Genius of America: How the Constitution Saved Our Country—and Why It Can Again* (New York: Bloomsbury, 2007), loc. 32–264 of 4153, Kindle.

¹⁰ Lane and Oreskes, *The Genius of America*, loc. 72–103; and Mike Lee, *Our Lost Constitution: The Willful Subversion of America’s Founding Document* (New York: Penguin, 2015), loc. 2755–2784 of 3819, Kindle.

¹¹ Lane and Oreskes, *The Genius of America*, loc. 275.

ACKNOWLEDGMENTS

The journey of researching, analyzing, and writing a thesis is one that requires a team effort. Though it is an extremely rewarding experience, it requires sacrifice, grit, and discipline on the part of the author and those who have surrounded him to ensure success.

I would like to thank my wife, Kristi, who has been by my side through the majority of my 40 years in the fire service, weathering the challenges of raising three kids while supporting a husband who has been committed to serving his community. It is said that behind every successful man is a great woman—this is certainly true in my case. Every professional success I have enjoyed has been because of the love and support of my wife.

I must also thank my parents, Ken and Liz Tubbs. Who I am today begins with them. My journey with the Naval Postgraduate School began in 1960, when I was born at Ford Ord while my dad, a naval officer, attended NPS. I have come full circle.

I also thank my team at the Naval Postgraduate School: Dr. Lauren Wollman for your impossible demands but consistent belief in me and my project; Greta Marlatt for your expertise and the personal touch of helping locate records of my father's time at NPS; my writing coaches Noel Yucuis and Matt Norton, who were patient and insightful and stretched me to be a better writer and communicator; Scott Martis, den-mother extraordinaire; the amazing instructors who provided our cohort with both knowledge and humor, a truly wonderful gift; and Heather Issvoran, with whom I first crossed paths at ELP in 2013 and who has supported me and encouraged my participation in this master's program.

I must also proffer my deepest gratitude to Dr. Cris Matei and Lynda Peters for their expert knowledge in the study of democracy, their inspiration in pursuing a worthy topic of study, and their dedication to my success with this thesis.

To the entire NPS team who surrounded me, I cannot adequately express the depth of my gratitude for the gift you have given me.

And finally, thank you to my fellow classmates. I cannot imagine taking this journey with a finer group of public servants. 1703/1704 forever!

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I. INTRODUCTION

We learn from history that we do not learn from history.

—Edward Luce, *The Retreat of Western Liberalism*¹

A. PROBLEM STATEMENT

For more than half a century, academics have expressed unease over the erosion of democratic governance in the United States and abroad.² Scholars have regarded American democracy as a critical stabilizing force in new and emerging democracies as well as those under threat from authoritarian rule.³ There is a growing concern—both from within and outside the United States—that American democracy is not functioning effectively, as its political system is increasingly polarized and deadlocked and showing “signs of ill health.”⁴

Peru, Hungary, and pre–World War II Germany provide historical examples of democratic erosion. These historical cases show evidence of conditions that became tipping points toward erosion. The conditions, or tipping points, are often intertwined and include conditions such as economic inequality, phobias, and perceived threats from outsiders.⁵ These tipping points have led some leaders to take actions such as rejecting or weakening the commitment to democratic rules, challenging the legitimacy of political opponents and institutions, tolerating violence, and reducing or eliminating civil liberties of opponents.⁶

¹ Edward Luce, *The Retreat of Western Liberalism*, 1st ed. (New York: Atlantic Monthly Press, 2017), 1.

² Alan I. Abramowitz and Kyle L. Saunders, “Is Polarization a Myth?” *Journal of Politics* 70, no. 2 (April 2008): 542–555, <http://www.journals.uchicago.edu/doi/abs/10.1017/S0022381608080493>.

³ Larry Diamond, “Facing up to the Democratic Recession,” *Journal of Democracy* 26, no. 2 (January 2015): 152–153, <https://doi.org/10.1353/jod.2015.009>.

⁴ Diamond, 152. The following authors share the same (or similar) views: Steven Levitsky and Daniel Ziblatt, *How Democracies Die*, 1st ed. (New York: Crown, 2018); and Francis Fukuyama, *Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy* (New York: Farrar, Straus and Giroux, 2014), 1–19.

⁵ Levitsky and Ziblatt, *How Democracies Die*, 53–71.

⁶ Levitsky and Ziblatt, 53–71.

The combination of these tipping points and subsequent actions resulted in the erosion of democracy in countries such as Peru, Hungary, and Germany. Scholars of democracy consistently agree that these tipping points are present in the United States.⁷ Validating the presence of these conditions may provide the United States an opportunity to prevent these tipping points from becoming a threat to the erosion of democracy.

B. RESEARCH QUESTION

What conditions trigger the erosion of democracy? How many of the conditions are present in the United States? What is the severity of those conditions, and does the collection and severity indicate that the quality of democracy has reached a tipping point in the United States?

C. LITERATURE REVIEW

This literature review explores the evidence of the erosion of democracy, the process of erosion, and the conditions that lead to it. Scholars study democratic erosion first identifying the conditions necessary for democracy to exist (procedural minimums). Researchers such as Linz and Stepan have noted that the decline of those procedural minimums, either intentionally or unintentionally, ultimately erodes democracy.⁸

A significant body of research on democratic erosion examines democracies that have failed and those that are showing signs of decay. The case study is the most common method for examining such democracies. Democracies collapse either rapidly, typically as

⁷ Alfred Stepan, ed., *Democracies in Danger*, 1st ed. (Baltimore: Johns Hopkins University Press, 2009); Juan J. Linz and Alfred Stepan, *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration* (Baltimore: John Hopkins University Press, 1978); Gero Erdmann and Marianne Kneuer, *Regression of Democracy?*, 1st ed. (Heidelberg, Germany: Springer-Verlag, 2011); Daron Acemoglu and James A. Robinson, *Why Nations Fail: The Origins of Power, Prosperity, and Poverty*, 1st ed. (New York: Crown Publishing, 2012); Luce, *The Retreat of Western Liberalism*; Fathali M. Moghaddam, *The Psychology of Democracy* (Washington, DC: American Psychological Association, 2015); Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs* 76, no. 6 (December 1997): 22–43, <http://www.jstor.org/stable/20048274>; Philippe C. Schmitter and Terry Lynn Karl, "What Democracy Is . . . and Is Not," *Journal of Democracy* 2, no. 3 (2008): 75–88, <https://doi.org/10.1353/jod.1991.0033>; and Larry Jay Diamond and Marc F. Plattner, eds., *The Global Divergence of Democracies* (Baltimore: Johns Hopkins University Press, 2001).

⁸ Linz and Stepan, *The Breakdown of Democratic Regimes*, 1–49.

a result of a coup, or more slowly as a result of internal breakdown.⁹ The two modal paths of erosion are known as reversion (authoritarianism) and retrogression (constitutional decay).¹⁰

The erosion of democracy has been of concern and studied for decades. An often-cited work on democratic erosion is Linz and Stepan's 1978 book, *The Breakdown of Democratic Regimes*.¹¹ Their empirical work has been regarded as foundational to understanding the conditions and process that leads to erosion as well as the rebuilding (reequilibration) of democracy. Their work is referenced, or in many cases validated, by the work of others studying democratic erosion and breakdown.

Scholars agree that the likelihood of democracy becoming or remaining strong (consolidated) or, conversely, eroding (reversion or retrogression) is linked to democratic procedural minimums.¹² Therefore, those conditions necessary for democracy to exist are critical to its stability. Linz and Stepan have identified these conditions as legitimacy, efficacy, and effectiveness.¹³ Significant research has defined democratic procedural minimums and, though democratic researchers may use different terminology, identified consistent themes, which Linz and Stepan's work capture adequately and comprehensively. Scholars agree that although government leaders can compromise democratic procedural minimums intentionally or unintentionally, tipping points are required for these democratic procedural minimums either to weaken or to become non-existent.

Though academics researching democratic decay may use different terminology to describe the reasons for erosion, the concepts are essentially the same as those of Linz and Stepan. For example, Linz and Stepan define *legitimacy* as the recognition of those in

⁹ Erdmann and Kneuer, *Regression of Democracy?*, 12.

¹⁰ Aziz Z. Huq and Tom Ginsburg, "How to Lose a Constitutional Democracy," *UCLA Law Review* 65 (2018): 92–99, <https://www.uclalawreview.org/lose-constitutional-democracy/>.

¹¹ Linz and Stepan, *The Breakdown of Democratic Regimes*, 16–23.

¹² Robert A. Dahl and Ian Shapiro, *On Democracy*, 2nd ed. (New Haven: Yale University Press, 2015), Kindle; Schmitter and Karl, "What Democracy Is," 75–88; and Moghaddam, *The Psychology of Democracy*.

¹³ Linz and Stepan, *The Breakdown of Democratic Regimes*, 16–23; and Levitsky and Ziblatt, *How Democracies Die*.

government as rightfully elected and authorized to carry out national policy.¹⁴ Case studies of countries whose democracies have eroded demonstrate how those seeking power or wishing to retain power question the legitimacy of their opposition and play on the public's fear.¹⁵ Scholars have shown how this behavior can lead to the subsequent curtailing of civil liberties and ultimately to the erosion of democracy.¹⁶

1. Erosion of Democracy Globally

There is a significant body of research of countries whose democracies have failed. Political scientists investigating the causal factors and process of democratic erosion have frequently studied Latin America. Scholars appear to agree that a majority of those countries have neither attained nor retained democratic stability and, therefore, exhibit a defective form of democracy.¹⁷

Researchers cite a consistent list of tipping points as factors in the process of erosion leading to defective democracies in Latin America. These tipping points, though sometimes described in different terms, include economic inequality, phobias, and perceived threats from outsiders that play upon insecurity among the electorate.¹⁸

As noted in case studies such as those by Christian Houle and Paul D. Kenny, these tipping points manifest in actions by elected leaders and result in the decay of democratic principles.¹⁹ The Peruvian government under the rule of Alberto Fujimori is one example. Peru is largely defined as a defective democracy and has a history of “insufficient economic

¹⁴ Linz and Stepan, *The Breakdown of Democratic Regimes*, 16–23.

¹⁵ Linz and Stepan, 16–23.

¹⁶ Max Greenwood, “Trump Pushes to Challenge Media Network Licenses,” *The Hill*, October 11, 2017, <http://thehill.com/homenews/administration/355051-trump-news-network-licenses-must-be-challenged-and-if-appropriate>.

¹⁷ Erdmann and Kneuer, *Regression of Democracy?*

¹⁸ Hal Brands, *Dealing with Political Ferment in Latin America: The Populist Revival, the Emergence of the Center, and Implications for U.S. Policy* (Carlisle Barracks, PA: Strategic Studies Institute, 2009), <http://www.strategicstudiesinstitute.army.mil/pubs/download.cfm?q=943>.

¹⁹ Christian Houle and Paul D. Kenny, “The Political and Economic Consequences of Populist Rule in Latin America,” *Government and Opposition* (2016): 1–32, https://www.cambridge.org/core/services/aop-cambridge-core/content/view/DF3D269BA3D964CCDED5B07B0EA380B5/S0017257X16000257a.pdf/political_and_economic_consequences_of_populist_rule_in_latina_merica.pdf.

reforms, enormous social inequality, and the lack of stable institutions.”²⁰ Scholars such as Peter Thiery agree that conditions such as economic inequality and corruption as well as social inequalities have prevented Peru from attaining a strong and viable democracy.²¹ Some research, such as the work of Kevin Casas-Zamora, explores in great depth the link between social inequality, citizen security, and the erosion of democracy, reinforcing the existence of economic disparity and phobias as conditions that lead to democratic erosion.²² There is a consensus among scholars that this economic disparity plays a role, often resulting in elections of populist leaders when voters promise *Que se vay an todos* (out with them all).²³

Hungary’s democratic erosion has been studied comprehensively, and its politics have been long dominated by extremism, which plays on economic inequality, phobias, and perceived threats from outsiders.²⁴ Though Hungary’s government has taken steps to implement legal procedures to protect against racism, xenophobia, and other intolerances, they have not been implemented effectively, so conditions remain essentially unchanged.²⁵ This evidence is consistent with other research citing the need for democratic procedural minimums and the erosion of these minimums by such conditions as economic disparity, fears, and phobias. Scholars agree that the Orbán government in Hungary self-identifies as

²⁰ Peter Thiery, “A Region Divided: Transformation towards Democracy and Market Economy in Latin America and the Caribbean,” *Strategic Insights* 4, no. 12 (December 2005), <https://www.hsdl.org/?view&did=458172>.

²¹ Thiery.

²² Kevin Casa-Zamora, *The Besieged Polis: Citizen Insecurity and Democracy in Latin America* (Washington, DC: Brookings Institute, June 2013), <https://www.brookings.edu/wp-content/uploads/2016/06/citizen-insecurity-casas-zamora.pdf>.

²³ Thiery, “A Region Divided.”

²⁴ Laszlo Szocs, “A Tale of the Unexpected: The Extreme Right vis-à-vis Democracy in Post-Communist Hungary,” *Ethnic and Racial Studies* 21, no. 6 (November 1998), <http://web.a.ebscohost.com/ehost/pdfviewer/pdfviewer?vid=1&sid=0ec12189-e1c9-48ca-be0d-549823b960e8%40sessionmgr4008>.

²⁵ European Union, ed., *Racism, Discrimination, Intolerance and Extremism: Learning from the Experiences in Greece and Hungary* (Luxembourg: Publications Office of the European Union, 2013), <https://publications.europa.eu/en/publication-detail/-/publication/ddfd0c76-445f-4fb5-842c-88f0c811bc26/language-en>.

a democracy but is more authoritarian due to its “systematic destruction of checks and balances in the government.”²⁶

The literature examining pre–World War II Germany cites a number of conditions that led to the erosion of its democratic governance and the rise of a dictatorship in Adolf Hitler. Consistent in the research is the recognition of the existence of Hitler’s tendency toward authoritarianism mixed with conditions that optimized his ability to erode democratic principles. Hitler systematically undermined Germany’s democratic checks and balances by playing upon the economic and security fears of Germans.²⁷ Some researchers, such as Levitsky and Ziblatt, suggest that the same tipping points in pre–World War II Germany are manifesting in the United States today—though these conclusions seem extreme and are not held universally among scholars.²⁸

2. Erosion of Democracy in the United States

There is clearly increasing concern regarding the state of American democracy as witnessed by the volume of research material on the topic. Researchers consistently agree that the danger to democracy is an internal threat, not an external one.²⁹ For example, Huq and Ginsburg express concern about the danger of an internal threat due to its slow and barely perceptible nature.³⁰

The causal factors cited for the erosion of democracy within the United States vary depending on the researcher. Some suggest that political polarization leads to brinkmanship and authoritarianism, yet others blame internal challenges, such as economic disparity, which promote an environment of populism and nationalism.³¹ Despite the variety of

²⁶ Attila Ágh, “The Decline of Democracy in East-Central Europe: Hungary as the Worst-Case Scenario,” *Problems of Post-Communism* 63, no. 5–6 (November 2016): 277–287, <https://www.tandfonline.com/doi/full/10.1080/10758216.2015.1113383>.

²⁷ Levitsky and Ziblatt, *How Democracies Die*, 53–71.

²⁸ Levitsky and Ziblatt, 53–71.

²⁹ Huq and Ginsburg, “How to Lose a Constitutional Democracy,” 117–120.

³⁰ Huq and Ginsburg, 83–84.

³¹ Luce, *The Retreat of Western Liberalism*, 190–196; and Levitsky and Ziblatt, *How Democracies Die*, 22, 46.

perspectives, the common root is the connection to such tipping points as economic inequality, phobias, and perceived threats from outsiders. These tipping points consistently give rise to an environment in which populism and nationalism dominate politics and, therefore, serve as early warning signs of potential erosion.³²

Scholarly evidence suggests there is a deepening ideological divide within the United States.³³ This divide provides an environment in which those seeking power can leverage economic inequality, phobias, and perceived threats from outsiders, and much of the research supports this concern.³⁴ The vast majority of research cites this deepening divide as evidence of the threat to the erosion of our democracy.³⁵

The majority of scholars see signs that American democracy is in danger of eroding and that the quality of American democracy has already declined.³⁶ What is most often cited and analyzed as evidence of this erosion is the current Trump administration.³⁷ Some of this research seems hyper-political, as many of the authors' ideologies are abundantly clear in their work. Some scholars have cited examples of President Trump questioning the legitimacy of his opponents but do not apply the same template to his opponents or predecessors.³⁸ However, even within this work, the evidence demonstrates that elected leaders have leveraged economic inequality, phobias, and the threat of outsiders to implement changes that erode democratic principles. The question remains whether the current constitutional safeguards guarantee against democratic erosion.

³² Levitsky and Ziblatt, *How Democracies Die*, 145–175; and Erdmann and Kneuer, *Regression of Democracy?*, 1–18.

³³ Political Polarization in the American Public, Pew Research Center, June 12, 2014, <http://www.people-press.org/2014/06/12/political-polarization-in-the-american-public/>.

³⁴ Levitsky and Ziblatt, *How Democracies Die*, 145–175.

³⁵ Luce, *The Retreat of Western Liberalism*, 145–184.

³⁶ Erdmann and Kneuer, *Regression of Democracy?*, 103–132.

³⁷ Levitsky and Ziblatt, *How Democracies Die*, 176–203; and Luce, *The Retreat of Western Liberalism*. Other scholars point to evidence that erosion of American democracy began before the Trump Administration. See Erdmann and Kneuer, *Regression of Democracy?*

³⁸ Levitsky and Ziblatt, *How Democracies Die*.

3. Conditions—Tipping Points

In countries that have experienced the erosion of democracy, scholars have cited evidence of conditions that serve as an early warning system—tipping points—of the process of erosion.³⁹ These include economic inequality, phobias, and perceived threats from outsiders.⁴⁰ Tipping points foster a fuel-laden environment waiting for the right ignition source. It is not uncommon for these conditions to be intertwined; they often do not exist independently.

In her testimony in January 2014 to the Joint Economic Committee, Melissa S. Kearney, associate professor of economics at the University of Maryland and a Brookings senior fellow, claimed that changes in the labor market and the increasing educational gap between the wealthy and poor had cultivated economic inequality in the United States, a view shared by other scholars.⁴¹ These findings are largely consistent with other economic inequality studies such as Piketty and Goldhammer’s widely cited *Capital in the Twenty-first Century*, which found that economic inequality in the United States plunged rapidly following World War II.⁴² The authors’ findings suggest that the wealth gap has been increasing with no apparent indication that the trajectory will change.⁴³ Piketty and Goldhammer express concern over the long-term viability of American democracy given the current gap shows no signs of plateauing or decreasing—although they acknowledge the United States has experienced similar economic inequality previously.⁴⁴

³⁹ Levitsky and Ziblatt, 53–71.

⁴⁰ Levitsky and Ziblatt, 53–71.

⁴¹ *Income Inequality in the United States: Testimony before the Joint Economic Committee*, 113th Cong., 2d sess., January 16, 2014, https://archive.org/stream/gov.gpo.fdsys.CHRG-113shrg86524/CHRG-113shrg86524_djvu.txt; Thomas Gabe, *Poverty in the United States: 2012* (Washington, DC: Congressional Research Service, November 13, 2013), <https://www.hsdl.org/?view&did=746855>; and Kay Lehman Schlozman, Henry Brady, and Sidney Verba, “Growing Economic Inequality and Its (Partially) Political Roots,” *Religions* 8, no. 5 (May 18, 2017): 97, <https://doi.org/10.3390/rel8050097>.

⁴² Thomas Piketty and Arthur Goldhammer, *Capital in the Twenty-First Century* (Cambridge, MA: Harvard University Press, 2017), loc. 713 of 12080, Kindle; and Michael D. Tanner, “Five Myths about Economic Inequality in America,” Cato Institute, September 7, 2016, <https://www.cato.org/publications/policy-analysis/five-myths-about-economic-inequality-america>.

⁴³ Tanner, “Five Myths about Economic Inequality.”

⁴⁴ Piketty and Goldhammer, *Capital in the Twenty-First Century*, loc. 713; and Tanner, “Five Myths about Economic Inequality.”

Not all economists agree with these findings; many suggest that economic inequality in the United States is not as severe as some scholars and authors suggest, nor is it particularly consequential.⁴⁵ Michael Turner, a senior fellow at the Cato Institute, found in his research that economic inequality is one of the leading political issues in the United States, but he argues that misperceptions and falsehoods perpetuate many of the common beliefs about economic inequality and lead to poor policy choices.⁴⁶ Turner further argues that poverty, not economic inequality per se, is a substantive problem and an area of concern, but there is no direct link between economic inequality and poverty—though many suppose such a link.⁴⁷ These findings demonstrate there is no consensus on the dangers or benefits of economic inequality, but most scholars agree poverty is a significant issue because it influences the democratic process as a result of lower education and employment opportunities.⁴⁸

Mental health scholars, such as Thomas Furmark, describe phobias as anxieties manifesting in constant fear and perceived risk.⁴⁹ Furmark notes that anxiety is not a single point on a continuum but rather a degree of severity, which can extend to the extreme point

⁴⁵ Tanner, “Five Myths about Economic Inequality,” 7; Timothy Weatherhead, “Income Inequality Isn’t as Bad as You May Think,” *The Hill*, January 12, 2018, <http://thehill.com/opinion/finance/368687-income-inequality-isnt-as-bad-as-you-may-think>; and David R. Henderson, “Income Inequality Isn’t the Problem,” Hoover Institution, February 20, 2018, <https://www.hoover.org/research/income-inequality-isnt-problem>.

⁴⁶ Tanner, “Five Myths about Economic Inequality,” 1–4.

⁴⁷ Rakesh Kochhar and Anthony Cilluffo, “How Wealth Inequality Has Changed in the U.S. since the Great Recession, by Race, Ethnicity and Income,” *Fact Tank* (blog), November 1, 2017, <http://www.pewresearch.org/fact-tank/2017/11/01/how-wealth-inequality-has-changed-in-the-u-s-since-the-great-recession-by-race-ethnicity-and-income/>; James E. Foster and Michael C. Wolfson, “Polarization and the Decline of the Middle Class: Canada and the US,” *Journal of Economic Inequality* 8, no. 2 (2010): 247–273; U.S. Congress, *Income Inequality in the United States*; Tanner, “Five Myths about Economic Inequality,” 7; Weatherhead, “Income Inequality”; and Henderson, “Income Inequality Isn’t the Problem.”

⁴⁸ U.S. Congress, *Income Inequality in the United States*; Gabe, *Poverty in the United States*; and Schlozman, Brady, and Verba, “Growing Economic Inequality,” 97.

⁴⁹ Thomas Furmark, “Social Phobia: Overview of Community Surveys,” *Acta Psychiatrica Scandinavica* 105, no. 2 (April 4, 2002): 84–93, <https://doi.org/10.1034/j.1600-0447.2002.1r103.x>; and Thomas Furmark, “Social Phobia—from Epidemiology to Brain Function” (PhD diss., Uppsala University, 2000), 9, https://www.researchgate.net/publication/34766201_Social_Phobia_From_Epidemiology_to_Brain_Function.

of pathology.⁵⁰ The terms *phobia* and *fear* are interchangeable.⁵¹ Notably, mental health scholars do not assign a specific period in defining “constant” fear, nor do they define “perceived,” leaving their audience the task of determining those definitions and making qualitative analysis less accurate.⁵²

Americans are both diverse and dynamic in their fears, which change periodically. In 2017, Chapman University conducted its fourth annual study of American fears. The Chapman University study, which has been cited by a number of news agencies and blogs, finds that the number one fear of the 1,207 adults randomly sampled was corrupt government officials.⁵³ The second greatest fear, which was 19.2 points below the first, was the American Healthcare Act, or “Trumpcare.”⁵⁴ Between 2016 and 2017, the fear of government corruption had increased by almost 14 percent among those responding to the survey.⁵⁵ Of note, in Chapman University’s study the year before, survey participants reported their second greatest fear (41 percent) was a terrorist attack, and their fourth greatest fear (38.5 percent) was terrorism.⁵⁶ However, by 2017, the fear of a terrorist attack fell to the 13th greatest and the fear of terrorism to 22nd.⁵⁷ These results suggest that although Americans experience various phobias, they frequently re-prioritize their fears. Thus, the researchers contend that a fear-based approach would not result in effective policy solutions and might result in long-term damage to the United States.⁵⁸ Moreover, it is logical to conclude there are reasons why phobias shift priority of concern.

⁵⁰ Furmark. “Social Phobia: Overview,” 89.

⁵¹ Furmark, “Social Phobia: Overview,” 83–85.

⁵² Furmark. “Social Phobia: Overview”; and Furmark, “From Epidemiology to Brain Function,” 9.

⁵³ “America’s Top Fears 2017: Chapman University Survey of American Fears,” *Wilkinson College of Arts, Humanities, and Social Sciences* (blog), October 11, 2017, <https://blogs.chapman.edu/wilkinson/2017/10/11/americas-top-fears-2017/>.

⁵⁴ “America’s Top Fears 2017.”

⁵⁵ “America’s Top Fears 2017.”

⁵⁶ “America’s Top Fears 2017.”

⁵⁷ “America’s Top Fears 2017.”

⁵⁸ “America’s Top Fears 2017.”

One of those reasons might be the media. Fear is a part of American culture, largely driven by the media and often disconnected from reality, according to Barry Glassner, president of Lewis and Clark College and author of *The Culture of Fear: Why Americans Are Afraid of the Wrong Things*. Glassner has been studying the issue of fear in America since 1980.⁵⁹ He notes the odd dichotomy of Americans living in the safest time in history yet highly afraid and fearful of more things.⁶⁰ Glassner opines that the war on terror has been one of the most exploited fears used by elected leadership and suggests that the constant reference to it in politics and media has fostered a culture of fear that permeates American society, resulting in division and uncertainty and leading to expensive and ineffective public policy.⁶¹ Glassner calls to task the media's role in hyper-inflating American fears, arguing that if journalists could resist the impulse to capitalize on fearmongering, Americans would be less anxious and more informed, and by extension, public policy would be more effective and less expensive.⁶²

Glassner's findings suggest that with the tipping point of phobias, particularly the fear of terrorist attacks, national leadership has taken actions that erode democratic procedural minimums and conflict with the facts associated with those fears. In their article "Americans Respond Politically to 9/11," scholars Huddy and Feldman arrive similarly at the conclusion that American responses to a perceived threat (phobia) fall into one of two categories: anxiety or anger.⁶³ Furthermore, their research concludes that Americans who are angry are inclined to support aggressive foreign policy whereas those who identified with feelings of anxiety were least supportive of an aggressive foreign policy.⁶⁴ Huddy and Feldman's work demonstrates that the way voters perceive their phobias influences

⁵⁹ Lily Rothman, "Why Americans Are More Afraid Than They Used to Be," *Time*, January 6, 2016. <http://time.com/4158007/american-fear-history/>.

⁶⁰ Rothman.

⁶¹ Barry Glassner, *The Culture of Fear: Why Americans Are Afraid of the Wrong Things*, 1st ed. (New York: Basic Books, 1999), loc. 132–145 of 7644, Kindle.

⁶² Glassner, loc. 23–48, 207–210.

⁶³ Leonie Huddy and Stanley Feldman, "Americans Respond Politically to 9/11: Understanding the Impact of the Terrorist Attacks and Their Aftermath," *American Psychologist* 66, no. 6 (2011): 463, <https://doi.org/10.1037/a0024894>.

⁶⁴ Huddy and Feldman, 463.

national policy positions, further suggesting the link between the media’s influence and national policy.

Some researchers point to evidence of the increasing schism and antipathy within the United States, which suggest an erosion of common ground and collaboration among diverse interests—even though other research concludes this polarization is a myth, and the majority of Americans are centrist in their views.⁶⁵ Regarding the media’s influence in America, author and journalist James Fallows takes his industry to task, arguing that the media have failed to remain anchored to their central value of reporting what is important, having instead become entertainers. He describes the media’s tendencies as follows: “Concentrating on conflict and spectacle, building up celebrities and tearing them down, presenting a crisis or issue with the volume turned all the way up, only to drop that issue and turn to the next emergency.”⁶⁶ Fallows accuses his fellow journalists of constantly making themselves the center of attention and failing to engage and inform the public and to make “what’s important interesting.”⁶⁷ Fallows further argues that these failures harm the form of governance because the quality of news has eroded, the media contribute to misperceptions and inaccuracies about what is important, and they are irresponsible with their power; as a result, public trust in the media has decayed.⁶⁸

Fallows and Glassner are not the only authors to rebuke the media and suggest a link between the media’s production of fear and influence on American policy. Notable sociologist David L. Altheide concludes in his research that the media influence public perception and produce narratives of fear, which shape public policy.⁶⁹ As noted in David A. Jones’s research on American distrust of the media, some studies suggest the media are composed principally of Democrats and liberals whose personal views impact what is

⁶⁵ Morris P. Fiorina, *Unstable Majorities: Polarization, Party Sorting, and Political Stalemate*, publication no. 685 (Palo Alto, CA: Hoover Institution Press, 2017), loc. 139–195 of 4843, Kindle.

⁶⁶ James M. Fallows, *Breaking the News: How the Media Undermine American Democracy*, 1st ed. (New York: Vintage Books, 1997), 5, 267.

⁶⁷ Fallows, 267.

⁶⁸ Fallows, 6–8.

⁶⁹ David L. Altheide, “The News Media, the Problem Frame, and the Production of Fear,” *Sociological Quarterly* 38, no. 4 (1997): 664–665.

reported and how it is reported; the media today no longer merely inform but interpret the news, resulting in more opinion than fact.⁷⁰ The significance of these findings is the level of influence by the media on the public's fear, which manifests in politicization and national policy. Taken with Glassner's findings, the work of Fallows and Altheide demonstrates that the media influence public perception and have some level of responsibility in creating inaccurate perceptions of fear relative to actual facts and, by extension, impacting public policy choices and the actions of national leaders.

Contemporary political scientists and scholars are increasingly concerned about the condition of American democracy, believing these tipping points are beginning to manifest in the United States.⁷¹ They express concern that political leaders are capitalizing on economic disparity, phobias, and perceived threats from outsiders without concern about the ways in which capitalizing on the tipping points undermine democratic governance. While scholars disagree as to the scale and scope of these conditions, significant evidence suggests that the concern is increasing.

D. RESEARCH DESIGN

1. Object of Study

This thesis explores through case studies of Peru, Hungary, and pre–World War II Germany the tipping points of economic inequality, phobias, and perceived threats from outsiders. The research further explores the governments' reactions to those tipping points by examining the presence or absence of democratic principles related to the rejection of, or weak commitment to, democratic rules, challenges to the legitimacy of political opponents and institutions, toleration of violence, and a willingness to reduce or eliminate civil liberties of opponents. This thesis also investigates whether there is evidence of these

⁷⁰ David A. Jones, "Why Americans Don't Trust the Media: A Preliminary Analysis," *Harvard International Journal of Press/Politics* 9, no. 2 (2004): 72, <https://doi.org/10.1177/1081180X04263461>.

⁷¹ Stepan, *Democracies in Danger*; Linz and Stepan, *The Breakdown of Democratic Regimes*; Erdmann and Kneuer, *Regression of Democracy?*; Acemoglu and Robinson, *Why Nations Fail*; Luce, *The Retreat of Western Liberalism*; Moghaddam, *The Psychology of Democracy*; Zakaria, "The Rise of Illiberal Democracy," 22–43; Schmitter and Karl, "What Democracy Is," 75–88; and Diamond and Plattner, *The Global Divergence of Democracies*.

tipping points in the United States and, as a result, an impact on the aforementioned democratic principles.

2. Selection Criteria

The countries chosen for this research are Peru, Hungary, and Germany. Each of these countries experienced the erosion of democratic rule and exhibited the aforementioned tipping points. Leaders in these countries used these tipping points to change democratic rules (constitutions as well as checks and balances), tolerate and justify violence, and delegitimize opposition. These tipping points and subsequent actions by leaders resulted in the erosion of democracy in these countries.

- President Alberto Fujimori played upon the fears and phobias of the Peruvian people. Using the public's fear of terrorism, Fujimori suspended the constitution and imposed tough sentences against those accused of terrorism.⁷² The fears and phobias were the tipping points that gave Fujimori permission to take actions that eroded Peru's fragile democracy.
- Hungary's case demonstrates similar tipping points of economic inequality and fear to suspend the commitment to democratic rules. President Viktor Orbán destroyed pre-existing constitutional checks and balances as well as consolidated power through constitutional changes, resulting in an authoritarian government.⁷³
- Hitler's rise to power provides evidence of how leadership played on the fears, phobias, and income inequality of the German population and, as a result, successfully pushed through legislation that suspended constitutional protections, which consolidated Hitler's power.⁷⁴ Hitler

⁷² John McMillan and Pablo Zoido, "How to Subvert Democracy: Montesinos in Peru," *Journal of Economic Perspectives* 18, no.4 (Fall 2004): 69–92, <https://doi.org/10.1257/0895330042632690>.

⁷³ "Hungary: Constitution Changes Warrant EU Action," Human Rights Watch, March 12, 2013, <https://www.hrw.org/news/2013/03/12/hungary-constitution-changes-warrant-eu-action>.

⁷⁴ Thom Hartmann, "When Democracy Failed: The Warnings of History," Common Dreams, March 16, 2003, <https://www.commondreams.org/views03/0316-08.htm>.

successfully framed the Jewish race as the cause of income inequality and a force of evil.⁷⁵ By using the tipping points of income inequality and fear, Hitler implemented actions that eroded Germany's democracy.

Today, scholars and researchers are expressing concerns that these tipping points are increasingly present in the United States. These scholars and researchers suggest that the nation is seeing these tipping points used as a basis to reject or weaken the commitment to democratic rules, challenge the legitimacy of political opponents and institutions, tolerate or even encourage violence, and reduce or eliminate civil liberties of opponents.

3. Study's Scope, Limitations, and Instrumentation

This research explored the extent of the rejection of or weak commitment to democratic rules, challenges to the legitimacy of political opponents and institutions, toleration of violence, and the willingness to reduce or eliminate civil liberties of opponents as well as their connection to the aforementioned tipping points. It excluded other tipping points, such as political polarization, due to the absence of substantive qualitative or quantitative evidence of its relationship to democratic erosion.

The case study methodology was used to examine the presence of these tipping points, and a qualitative approach was taken. Though the qualitative method has historically seen slow acceptance as a form of rigorous research, it has increasingly gained acceptance due to complex social phenomena and the qualitative approach's ability to integrate the "holistic and meaningful characteristics of real life events."⁷⁶

In studying the existence of tipping points using Mayring's analytical procedure, this research evaluated the aforementioned democratic principles. Mayring's approach has become the accepted model for qualitative analysis primarily because of its systematic

⁷⁵ Karl A. Schleunes, *The Twisted Road to Auschwitz: Nazi Policy towards German Jews, 1933–1939* (Chicago: University of Illinois Press, 1990), 3–18.

⁷⁶ Florian Kohlbacher, "The Use of Qualitative Content Analysis in Case Study Research," *Forum: Qualitative Social Research* 7, no.1 (January 2006), <http://www.qualitative-research.net/index.php/fqs/article/view/75/153>.

approach and the application of a categorical system and is used to explore the relationship between the tipping points and democratic principles.⁷⁷

4. Steps of Analysis

Using Mayring's sequential model of qualitative content analysis, the research employed a three-step analytical procedure of summarizing the data; explaining, clarifying, and annotating the material; and structuring the material. The research findings then categorized, by country, the tipping points of economic inequality, phobias, and the perceived threats from outsiders. Each tipping point was explained and characterized in the context of the events occurring at the time of the tipping point's presence. The same approach was taken for the presence or absence of the aforementioned democratic principles. Each finding was structured so as retain only relevant elements and then analyzed and interpreted.

E. CHAPTER OVERVIEW

Chapter II explores the tipping points that erode democracy by identifying the necessary elements of democratic governance and analyzing the process of democratic erosion in three case studies: Peru, Hungary, and pre-World War II Germany. Chapter III then explores and analyzes the state of democracy in the United States by examining current events and applying the findings of democratic erosion from the qualitative analysis in the previous chapter. Chapter IV concludes the thesis with findings on the current state of American democracy, a series of recommendations on ways to shore up its defenses, and opportunities for future research.

⁷⁷ Kohlbacher.

II. TIPPING POINTS THAT ERODE DEMOCRACY

The Essence of Government is power, and power, lodged as it must be in human hands, will ever be liable to abuse.

—James Madison⁷⁸

The purpose of this chapter is to examine three countries that have experienced democratic erosion as a result of choices made by national leaders. In the countries of Peru, Hungary, and pre–World War II Germany, these choices were linked to the tipping points of economic inequality, phobias, and the perceived threat from outsiders. A qualitative analysis of each country is instructive in conducting an analysis of democratic erosion in the United States.

A. ELEMENTS OF DEMOCRACY AND THE PROCESS OF EROSION

Understanding how democracy erodes first requires recognizing what precisely is eroding. Noted political scientists Juan Linz and Alfred Stepan offer insight into this question and argue that erosion begins with the inability of opposition parties to collaborate and compromise.⁷⁹ Democracy is based on a system of rules that opposition parties and other players agree to follow.⁸⁰ Abiding by these accepted rules requires compromise and cooperation, but if the parties cannot do so, polarization manifests and creates distrust.⁸¹ Erosion, therefore, is rooted in the inability of leaders to agree to and follow the accepted rules, potentially leading them to take actions that deviate from convention. This section expands on the definition of democracy, the modal paths of democratic erosion and, in the case of internal collapse, how that process occurs and what the contributing factors are to the internal collapse, so they may be applied to the three case studies in this chapter.

⁷⁸ “James Madison,” Bill of Rights Institute, accessed July 28, 2018, <https://billofrightsinstitute.org/educate/educator-resources/founders/james-madison/>.

⁷⁹ Linz and Stepan, *The Breakdown of Democratic Regimes*, 50–51.

⁸⁰ Linz and Stepan, 50–51.

⁸¹ Linz and Stepan, 50–51.

There has been significant research in the field of democracy, and political scientists and researchers have come to some degree of consensus as to the definition of democracy.⁸² In a study published in the *Journal of Democracy*, political scientists Philippe C. Schmitter and Terry Lynn Karl reference the work of noted political scientist and theorist Robert Dahl on democratic procedural minimums.⁸³ Dahl’s work and definition of democracy have become “canonical” in the field.⁸⁴ Dahl presents five essential ingredients for democratic procedural minimums: “effective participation; equality in voting; gaining enlightened understanding; exercising final control over the agenda; and inclusion of adults.”⁸⁵ The common thread of these democratic procedural minimums is the citizens’ control over their government and the checks and balances that provide mechanisms of accountability for those who rule the ruled—what Linz and Stepan define as *legitimacy*.⁸⁶

While there is a substantive body of work that has developed general consensus on democratic procedural minimums for democracies, more academic attention has increasingly focused on factors that cause democracy to erode and what this might mean for the United States. There has long been substantial unease among academics regarding the erosion of democratic procedural minimums, as witnessed by the significant study of the subject for at least the past 53 years.⁸⁷ The growing concern among academics regarding the stability of American democracy is a sentiment echoed by Benjamin Franklin over 200 years ago when he warned that democracy is the people’s—if they “can keep it.”⁸⁸

⁸² Schmitter and Karl, “What Democracy Is,” 75–88.

⁸³ Schmitter and Karl, 75–88.

⁸⁴ William A. Galston, James Davison Hunter, and John M. Owen, *Anti-Pluralism: The Populist Threat to Liberal Democracy* (New Haven, CT: Yale University Press, 2018), loc. 24 of 2898, Kindle.

⁸⁵ Dahl and Shapiro, *On Democracy*, loc. 605–606.

⁸⁶ Linz and Stepan, *The Breakdown of Democratic Regimes*, 16–23.

⁸⁷ Abramowitz and Saunders. “Is Polarization a Myth?,” 542–555.

⁸⁸ Richard R. Beeman, “Perspectives on the Constitution: A Republic If You Can Keep It,” National Constitution Center, accessed November 23, 2018, <https://constitutioncenter.org/learn/educational-resources/historical-documents/perspectives-on-the-constitution-a-republic-if-you-can-keep-it>.

Democracies collapse either rapidly—typically as a result of a coup—or more slowly as a result of internal breakdown and the decay of constitutional safeguards that had ensured mechanisms of accountability.⁸⁹ The process that leads to democratic collapse is known as *democratic erosion*, and there are two modal paths to erosion, reversion (authoritarianism) or retrogression (constitutional decay), but scholars believe the greater threat today is always from within, so the path is most likely retrogression.⁹⁰ A 2011 study conducted by Erdmann and Kneuer concluded that out of 53 identified cases of democratic erosion, less than 10 percent were associated with coups or sudden collapse; the vast majority resulted from some form of constitutional erosion, or retrogression.⁹¹

Obviously, when the mechanisms of accountability evaporate or are diluted, democratic erosion is underway, but evidence suggests that causal factors—tipping points—set the groundwork for that decay. In 1978, Linz and Stepan published their highly regarded book, *The Breakdown of Democratic Regimes*.⁹² A scientific analysis of the performance of democratic governments, this book provides empirical evidence of factors that lead to erosion and failure of democratic rule as well as describes the process of that breakdown.⁹³ Linz and Stepan identify legitimacy, efficacy, and effectiveness as critical elements of democracy; when members of a democracy weaken these elements, democratic erosion begins.⁹⁴

Legitimacy is defined as the subjective belief by the people that the current government is their best option, and legitimacy is strengthened when the people believe the government is effective.⁹⁵ Linz and Stepan further observe that legitimacy weakens when the people believe the current form of governance is not the ideal option or when the

⁸⁹ Erdmann and Kneuer, *Regression of Democracy?*

⁹⁰ “What’s Gone Wrong with Democracy,” *Economist*; and Huq and Ginsburg, “How to Lose a Constitutional Democracy.”

⁹¹ Erdmann and Kneuer, *Regression of Democracy?*; and Huq and Ginsburg, “How to Lose a Constitutional Democracy.”

⁹² Linz and Stepan, *The Breakdown of Democratic Regimes*, 14–49.

⁹³ Linz and Stepan, 14–49.

⁹⁴ Linz and Stepan, 16–19.

⁹⁵ Linz and Stepan, 14–49.

current government is ineffective at dealing with societal problems.⁹⁶ The case studies in this chapter demonstrate that economic inequality, phobias, and the perceived threat from outsiders were factors that undermined the legitimacy of those in power as they were unable to resolve national problems. Linz and Stepan's study confirms the importance of checks and balances and accountability within the governance structure, which strengthen legitimacy, and notes that when leaders take actions to erode these elements of democracy, retrogression is underway.⁹⁷

Evidence from the study of failed democracies suggests causal—often intertwined—factors, or tipping points, contribute to leaders taking actions that undermine democratic procedural minimums. These include conditions such as economic inequality, phobias, and perceived threats from outsiders, all of which are defined in the following paragraph. These tipping points have led some leaders to take actions such as rejecting or weakening commitment to democratic rules, challenging the legitimacy of political opponents and institutions, tolerating violence, and showing a willingness to reduce or eliminate opponents' civil liberties. As noted by Linz and Stepan, these actions undermine the legitimacy of the sitting government as they lead the people to believe the government is ineffective at dealing with societal problems.⁹⁸

There is substantial scholarly work on the relationship between economic inequality and rebellion. Scholars agree that economic inequality is defined as an unequal distribution of income.⁹⁹ Though a significant body of work defines the objective measure of inequality and its empirical relationship to conflict, the relationship remains largely unclear; however, one prevalent theory is that inequality is connected to discontent or, as

⁹⁶ Linz and Stepan, 16–19.

⁹⁷ Linz and Stepan, 14–49.

⁹⁸ Linz and Stepan, 50–74.

⁹⁹ Simon Kuznets, "Economic Growth and Income Inequality," *American Economic Review* 45, no. 1 (1955): 1–2, <http://www.jstor.org/stable/1811581>; and Amartya Sen and James E. Foster, *On Economic Inequality* (Oxford: Oxford University Press, 1997), 2–4.

others have defined it, the absence of the perception of fairness.¹⁰⁰ For the purposes of this research, *economic inequality* is defined as economic conditions that result in collective discontent.

Mental health scholars associate phobia with anxiety, manifesting in constant fear and perceived risk.¹⁰¹ There are numerous types of phobias defined by mental health professionals, but for the purposes of this research, *phobias* are defined as conditions that manifest in fear and perceived risk collectively in a population, creating a social condition that elected leaders can use to implement change. More specifically, in the case study countries, the severity of the tipping points created an environment within the population that demanded effective policy change. Each case study exposes the fears, or phobias, expressed by the population that were then used by the country's leaders to implement changes, which violated democratic procedural minimums. The acceptance of these violations was linked to the perceived success of the changes.

Finally, in their book *Anti-Pluralism: The Populist Threat to Liberal Democracy*, Gaston, Hunter, and Owen argue that one of the principal threats to democracy is “exclusionary ethnic, historical, class, or religious conceptions of ‘the people,’” which they contend conflict with the accepted definition of democracy, which requires “the equality of all citizens.”¹⁰² Though the phrase “perceived threat from outsiders” is consistent with the definition of phobia, as the literature review has shown, this specific phobia has been used to justify exclusionary actions by leaders, for example, Hitler's extermination of the Jewish people, who were of a specific ethnic and religious group. For purposes of this research, the *perceived threat from outsiders* is defined as the perception of a threat or risk associated with people who originate from outside the host nation and who are excluded from the ethnic, historical, class, or religious conceptions of the host nation's people.¹⁰³

¹⁰⁰ Sen and Foster, *On Economic Inequality*, 2–4; and Kurt Schock, “A Conjunctural Model of Political Conflict: The Impact of Political Opportunities on the Relationship between Economic Inequality and Violent Political Conflict,” *Journal of Conflict Resolution* 40, no. 1 (1996): 99, <https://doi.org/10.1177/0022002796040001006>.

¹⁰¹ Furmark, “Social Phobia: Overview.”

¹⁰² Galston, Hunter, and Owen, loc. 455, 387.

¹⁰³ Galston, Hunter, and Owen, loc. 455.

B. CASE STUDIES

Peru, Hungary, and Germany have all experienced the erosion of democratic rule, and each has exhibited one or more of the aforementioned tipping points, offering the opportunity for qualitative comparison and analysis as to how these tipping points led to democratic erosion. Leaders in these countries used these tipping points to change democratic rules—constitutions as well as checks and balances—to tolerate and justify violence and to delegitimize opposition. The careful study of the background and conditions that contributed to actions by government officials in each of these countries offers insights that reveal warning signs for America. Much like the warning lights in a car, these sensors provide a mechanism to monitor and provide advanced notice of serious consequences should intervention not occur.

1. Democratic Erosion in Peru

Prior to the election of Alberto Fujimori in 1990, Peru was experiencing catastrophic economic conditions from rampant inflation and national debt as well as extreme internal violence at the hands of two guerrilla groups, *Sendro Luminoso* (Shining Path) and *Movimiento Revolucionario Tupac Amaru* (Revolutionary Movement Tupac Amaru, or MRTA), which created an environment ripe for democratic abuse. Peruvians were desperate for relief from these burdensome conditions, which led Fujimori to take actions that eroded or eliminated democratic procedural minimums. Ultimately, the case of Peru demonstrates how the tipping points of economic inequality, phobias, and perceived threats from outsiders gave rise to the democratic erosion that occurred under the leadership of Fujimori.

a. Background and Conditions

Peru is located along the northwest coast of South America, bordered by the countries of Columbia, Brazil, Chile, and Ecuador and by the Pacific Ocean.¹⁰⁴ Peru is

¹⁰⁴ Maureen Taft-Morales, *Peru: Recovery from Crisis* (Washington, DC: Congressional Research Service, June 22, 2001).

abundantly diverse in geography, climate, and economic activity.¹⁰⁵ The Andes Mountains are regarded as one of the most inhospitable locations on earth; they traverse the country and have provided a topographical challenge to national unity within Peru because they form a physical barrier that limits transportation and economic equality.¹⁰⁶ Scholars studying Peru have noted that the Andes have created a type of dualism within Peru, resulting in haves and have-nots, which have arguably contributed to Peru's challenges in creating a stable government and economy.¹⁰⁷

The indigenous people of Peru, the Incas, are noted for the development of an advanced civilization that ruled the region for centuries. In 1530, the Incas were conquered and colonized by Spain until 1821, when Peru declared its independence.¹⁰⁸ From that declaration, Peru elected its first president ("Protector of Peru"), General José de San Martín.¹⁰⁹ Under democratic rule, Peru matured its political and economic dominance over the Andean and jungle regions.¹¹⁰ Democracy remained the national governance structure until social unrest and an increasingly depleted resource base led to a bloodless coup against the sitting president, Fernando Belaúnde Terry, by General Juan Velasco Alvarado in 1968.¹¹¹

General Alvarado, a dictator, remained in power until 1975, when General Francisco Morales Bermúdez forcibly removed and replaced him and then attempted to

¹⁰⁵ John Preston Moore et al., "Peru," *Encyclopedia Britannica*, last modified October 25, 2018, <https://www.britannica.com/place/Peru>; and "History of Peru," Country Reports, accessed May 18, 2018, <http://www.countryreports.org/country/Peru/history.htm>.

¹⁰⁶ Moore et al., "Peru."

¹⁰⁷ Country Reports, "History of Peru."

¹⁰⁸ Country Reports.

¹⁰⁹ "Jose de San Martín," Discover Peru, accessed May 18, 2018, <https://www.inkatour.com>; and Juan Arellano, "Who Was the First President of Peru?," Quora, December 5, 2015, <https://www.quora.com/Who-was-the-first-president-of-Peru>.

¹¹⁰ "Peru Historical Overview," Peru Support Group, accessed November 15, 2018, <http://www.perusupportgroup.org.uk/peru-history.html>.

¹¹¹ C. Gerald Fraser, "Juan Velasco Alvarado, 67, Dies; Was Peru's President for 7 Years," *New York Times*, December 25, 1977, <https://www.nytimes.com/1977/12/25/archives/juan-velasco-alvarado-67-dies-was-perus-president-for-7-years.html>.

correct the failed economic and social reforms of the Alvarado government.¹¹² President Bermúdez remained in power until 1980, when he stepped aside following a national election that brought to power Fernando Belaúnde Terry, who had been president prior to the coup by General Alvarado.¹¹³ This election marked the return of democracy to Peru, but the Terry administration faced massive challenges due to the failed reforms of the previous periods under Alvarado and Bermúdez.¹¹⁴

Between 1950 and 1985, the population of Peru grew from seven million to nearly 20 million, resulting in fundamental changes to long-standing social conditions, governance structures, and local economies. The population increase contributed to Peru's transition from a primarily rural and agrarian society to an urban society, which placed increased demands for labor in towns and cities.¹¹⁵ The impacts of the population growth and migration were too much for the Peruvian economy, as it could not change at the same rate. The social structure also significantly changed as power was dispersed from traditional sources, such as the church and oligarchies of local communities, to the military.¹¹⁶ The agrarian reform in 1969 had undermined longstanding stabilized economies and social structures.¹¹⁷ The monumental shift in population between 1950 and 1985 led anthropologist José Matos Mar to label the transformation the great “*desborde popular*” (overflowing of the masses).¹¹⁸

Democracy thus re-surfaced in 1980 in an environment of significant internal challenge, and the following 10 years created an environment where the tipping points of economic inequality, phobias, and the perceived threat from outsiders became significant

¹¹² “Juan Velasco Alvarado,” Encyclopedia of World Biography, accessed May 18, 2018, <https://www.encyclopedia.com/people/history/peru-history-biographies/juan-velasco-alvarado>.

¹¹³ *Encyclopedia Britannica*, s.v. “Francisco Morales Bermúdez: President of Peru,” last modified September 30, 2018, <https://www.britannica.com/biography/Francisco-Morales-Bermudez>; and Encyclopedia of World Biography, “Juan Velasco Alvarado.”

¹¹⁴ Department of Justice, *Peru Human Rights and Political Developments through December 1994* (Washington, DC: INS Resource Information Center, 1995), 1, <https://www.hsdl.org/?view&did=22854>.

¹¹⁵ Country Reports, “History of Peru.”

¹¹⁶ Country Reports, “History of Peru.”

¹¹⁷ Country Reports, “History of Peru.”

¹¹⁸ Country Reports, “History of Peru.”

conditions. The end of military rule left a power vacuum in which it was difficult for any group to create a stabilized government due to the absence of viable political parties.¹¹⁹ In April 1990, during the height of these traumatic economic and socio-political conditions, Alberto Fujimori, an outsider, was elected president of Peru.¹²⁰ Fujimori was facing enormous challenges, as the two previous regimes had taken actions that resulted in catastrophic economic impacts that sent the Peruvian economy into a death spiral.¹²¹ Between 1980 and 1991, inflation soared at 287 percent; hyperinflation reached a peak of 7,649 percent in 1990, thereby creating high unemployment and significantly reducing the purchasing power of Peruvians.¹²² By the end of 1990, the country's reserves reached a \$900 million deficit, thereby destabilizing the Peruvian economy.¹²³

The economic disaster and government corruption in Peru provided fertile ground for the coalescence of violent extremism, which led to the additional tipping point of phobia—in this case, the fear of physical harm. The economic conditions fostered the rise and growth of groups such as Shining Path and MRTA, which engaged in a civil war against the sitting government as they perceived the sitting government as ineffective.¹²⁴ Shining Path and MRTA believed other forms of government would be more effective and chose violent methods to abolish the sitting government. The two groups controlled approximately one-third of Peru and were responsible for thousands of civilian deaths in various terrorist activities including the destruction of infrastructure and public executions.¹²⁵

¹¹⁹Country Reports, "History of Peru."

¹²⁰ Department of Justice, *Peru Human Rights*, 1.

¹²¹ Carlos Alberto Gomez, "Peru's Debt Crisis and Subsequent Shock Economy," UCLA International Institute, February 4, 2005, <http://international.ucla.edu/institute/article/19898>; and Cynthia McClintock, "The Prospects for Democratic Consolidation in a 'Least Likely' Case: Peru," *Comparative Politics* 21, no. 2 (1989): 127–48, <https://doi.org/10.2307/422041>.

¹²² Department of Justice, *Peru Human Rights*, 1.

¹²³ Nicole Ferrand, "Fujimori: The Other Side of the Story," *Americas Report*, October 26, 2007, <http://www.theamericasreport.com/2007/10/26/fujimori-the-other-side-of-the-story>; and Department of Justice, *Peru Human Rights*, 1.

¹²⁴ Susan C. Bourque and Kay B. Warren, "Democracy without Peace: The Cultural Politics of Terror in Peru," *Latin American Research Review* 24, no. 1 (1989): 12–15, <http://www.jstor.org/stable/2503279>.

¹²⁵ Ferrand, "The Other Side of the Story."

According to the Central Intelligence Agency, Shining Path generated revenue through the trafficking of narcotics such as cocaine and engaged in civil war with the Peruvian government for the purposes of replacing existing institutions with a “peasant revolutionary regime.”¹²⁶ MRTA was a Marxist-Leninist organization whose objective was to rid Peru of imperialism and U.S. influence using violent methods and to establish a communist government to achieve its goals. It engaged in kidnappings, bombings, and other violent activities and sustained its operations through criminal enterprises such as extortion, bank robberies, and kidnappings.¹²⁷ Peruvians believed that government leaders were ineffective at battling these organizations and eliminating the fear of physical harm.¹²⁸ This fear extended to the nation’s leaders whose actions—which included the release of imprisoned terrorists—illustrated they feared for their own safety as well, thereby further eroding public confidence that the sitting government could be effective in reducing the internal violence.

Thus, when Fujimori won the election and prepared to step into office, he had inherited a significant human rights crisis, due to the war between the government and guerrilla groups MRTA and Shining Path, not to mention the significant national economic crisis.¹²⁹ Fujimori’s platform prior to the election was light on details, but his message of hope resonated with the Peruvian people. In the 10 years prior to Fujimori’s election, more than 14,000 civilians had been killed or were missing as a result of the violence between the government and guerrilla groups.¹³⁰ Peruvians were terrified as the nationwide war had impacted 40 percent of Peru.¹³¹ Promising to battle MRTA and Shining Path, reduce the violence, and stabilize the economy, Fujimori used these deleterious social, political,

¹²⁶ Central Intelligence Agency, “South America: Peru,” World Fact Book, accessed May 1, 2018, <https://www.cia.gov/library/Publications/the-world-factbook/geos/pe.html>.

¹²⁷ “Tupac Amaru Revolutionary Movement (MRTA),” Global Security, last modified May 18, 2017, https://www.globalsecurity.org/military/world/para/tupac_amaru.htm.

¹²⁸ Ferrand, “The Other Side of the Story.”

¹²⁹ Catherine M. Conaghan, *Fujimori’s Peru: Deception in the Public Sphere* (Pittsburgh, PA: University of Pittsburgh Press, 2005); and Ferrand, “The Other Side of the Story.”

¹³⁰ Conaghan, *Fujimori’s Peru*, 15–20.

¹³¹ Conaghan, 15–20.

economic, and security developments to catapult into the presidency by delivering a simple and hopeful message that Peruvians found attractive.¹³²

b. Actions

Hours before stepping into office, Vladimiro Montesinos, an advisor in the Peruvian intelligence service, shared with Fujimori a planned military coup, *Plan Verde* (Green Plan), which was to be executed by the intelligence service upon the installation of the incoming president.¹³³ Upon learning of the plot, Fujimori quickly removed from power key military and intelligence leaders associated with the planned coup.¹³⁴ After Fujimori became president, he quickly placed Montesinos in charge of the intelligence service, securing tight control over the military and intelligence agencies.¹³⁵ Later investigations revealed that Montesinos ran a death squad (*La Colina*, or The Hill), which was responsible for numerous human rights violations including the infamous 1991 *Barrios Altos* massacre.¹³⁶

The Barrios Altos massacre set the stage for a showdown between Congress and Fujimori. The massacre had occurred under the authority of anti-terrorist legislation and was carried out under the direction of Montesinos.¹³⁷ The executions, which killed 14 adults and one child, were in response to a report that the group carrying out killings was linked to Shining Path, which later proved false.¹³⁸ Three years later, in March 1994, a secret—later declassified—U.S. State Department report transmitted from the U.S. Embassy in Lima to Washington, D.C., documented eyewitness testimony confirming that

¹³² Conaghan, 15–20.

¹³³ Conaghan, 25–26.

¹³⁴ Conaghan, 25–26.

¹³⁵ Conaghan, 25–26.

¹³⁶ Maxwell A. Cameron, “Self-Coups: Peru, Guatemala, and Russia,” *Journal of Democracy* 9, no. 1 (January 1, 1998): 125–39, <https://doi.org/10.1353/jod.1998.0003>; and Department of State, *Claimed Member of “Colina” Describes Barrios Altos Executions*, declassified report (Washington, DC: Department of State, March 1994), <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB237/document5.pdf>.

¹³⁷ Michael Baney, “1991: Barrios Altos Massacre,” *Executed Today* (blog), November 3, 2010, <http://www.executedtoday.com/2010/11/03/1991-barrios-altos-massacre-peru-alberto-fujimori/>; and Conaghan, *Fujimori’s Peru*, 15–20.

¹³⁸ Baney, “Barrios Altos Massacre.”

the event was carried out by members of La Colina under the direction of Montesinos.¹³⁹ As a result of the slaughter, Congress amended the law, placing regulatory supremacy in the hands of Congress, thereby subordinating the executive branch. Peruvians were in constant fear for their physical safety due to internal violence at the hands of two guerrilla groups who had waged war against the sitting government. As a result, Peruvians seemed to accept certain constitutional violations by their president to resolve the internal violence, which was the source of constant fear.

Beginning in 1990, the majority of the Peruvian Congress initially supported the reforms, though this did not last long.¹⁴⁰ Between 1990 and 1991, Fujimori worked with Congress to enact a variety of legislative measures designed to improve and stabilize the economy.¹⁴¹ Within a year, Fujimori had lowered the inflation rate from its peak of 7,650 percent to 139 percent.¹⁴² Congress had even granted Fujimori extraordinary power in his economic reform proposals; however, Fujimori pushed additional economic reforms and legislation that granted greater authority to the military and executive branch.¹⁴³ Congress supported the economic proposals but rejected the proposed amplified executive authority, leading to increased confrontations between Fujimori and Congress.¹⁴⁴ As Fujimori's decrees and reforms began increasingly to violate the 1979 constitution, legislators increasingly challenged Fujimori.¹⁴⁵

In February 1992, Fujimori vetoed legislation that curtailed the executive's authority, setting the stage for his next actions. Late in the evening of April 5, 1992, in a

¹³⁹ Department of State, *Barrios Altos Executions*; and Baney, "Barrios Altos Massacre."

¹⁴⁰ Gregory D. Schmidt, "Delegative Democracy in Peru?: Fujimori's 1995 Landslide and the Prospects for 2000," *Journal of Interamerican Studies and World Affairs* 42, no. 1 (2000): 102–121, <https://doi.org/10.2307/166467>.

¹⁴¹ Department of Justice, *Peru Human Rights*, 9.

¹⁴² Nicole Ferrand, "Fujimori: The Other Side of the Story," *Americas Report*, October 26, 2007, 2, <http://www.theamericasreport.com/2007/10/26/fujimori-the-other-side-of-the-story>; and James Brooke, "Peru: On the Very Fast Track," *New York Times*, January 31, 1995, <https://www.nytimes.com/1995/01/31/business/peru-on-the-very-fast-track.html>.

¹⁴³ Department of Justice, *Peru Human Rights*, 9.

¹⁴⁴ Ferrand, "The Other Side of the Story"; and Department of Justice, *Peru Human Rights*, 9.

¹⁴⁵ Schmidt, "Delegative Democracy in Peru?," 102–121.

televised address to Peruvians, Fujimori, complaining of how Congress was handcuffing his measures to control terrorism and reform the economy, implemented Plan Verde—ironically, the plan originally designed to forcibly remove him from office.¹⁴⁶ The plan, a self-coup, included sweeping unilateral constitutional changes, suspended the legislature and judicial branches of government, rounded up political opponents, and censored the media.¹⁴⁷ The basis for Fujimori’s action was his belief in the need for drastic measures to battle terrorism and restructure the economy, which could only be accomplished by a reorganization of government.¹⁴⁸ The new constitution, which was adopted in 1993, allowed the president to serve two consecutive terms and create a legislature comprising a single body.¹⁴⁹ The effect of this move was a consolidation of power.

Peru’s government has a long history of inhibiting media reporting and oversight, and Fujimori’s administration was no different.¹⁵⁰ In December 1990, a presidential decree had made it illegal to report the names of military and police officers operating in “emergency zones.”¹⁵¹ Congress further strengthened this control by implementing legislation in 1991 that mandated severe prison sentences for anyone convicted of revealing “secret information.”¹⁵² Control of the media expanded when, in 1997, Fujimori’s interior minister revoked the citizenship of Lima Television’s primary shareholder, businessman Baruch Ivecher, because he had published stories that exposed government torture and corruption.¹⁵³ Control of the news organization was placed in the hands of minority owners Mendel Winter Zuzunaga and Samuel Winter Zuzunaga (the Winters brothers), Fujimori

¹⁴⁶ Conaghan, *Fujimori’s Peru*, 15–20; and Cameron, “Self-Coups.”

¹⁴⁷ Mitchell A. Seligson and Julio F. Carrión, “Political Support, Political Skepticism, and Political Stability in New Democracies: An Empirical Examination of Mass Support for Coups d’Etat in Peru,” *Comparative Political Studies* 35, no. 1 (February 1, 2002): 58–82, <https://doi.org/10.1177/001041400203500106>; and Taft-Morales, *Peru: Recovery from Crisis*, 14.

¹⁴⁸ Cameron, “Self-Coups”; and Conaghan, *Fujimori’s Peru*, 15–20.

¹⁴⁹ Taft-Morales, *Peru: Recovery from Crisis*.

¹⁵⁰ Taft-Morales, *Peru: Recovery from Crisis*; and Cameron, “Self-Coups.”

¹⁵¹ Conaghan, *Fujimori’s Peru*, 24.

¹⁵² Conaghan, 24.

¹⁵³ “Fujimori Allies Seize Crusading TV Station,” *Chicago Tribune*, September 21, 1997, http://articles.chicagotribune.com/1997-09-21/news/9709210141_1_baruch-ivcher-peruvian-israeli-born.

loyalists.¹⁵⁴ Fujimori, intent on controlling the message and minimizing criticism, exercised this power shift via constitutional reform.

c. Summary

There have been numerous studies of the Fujimori government citing extensive examples of constitutional decay and government abuse. It is clear from this research that the tipping points of economic instability and the fears associated with the violence of Shining Path and, to a lesser extent, MRTA contributed to an environment that Alberto Fujimori and his administration leveraged to consolidate power and implement changes, which curtailed civil liberties and eliminated the checks and balances necessary in a democracy. In short, the Fujimori administration removed legitimacy, one of the democratic procedural minimums noted by Linz and Stepan. Fujimori used the tipping points of economic inequality and phobias associated with internal violence as the reasons for these actions.

Peru was regarded as one of the most economically depressed and violent nations in South America, according to the 1993 World Bank report on South American nations.¹⁵⁵ These conditions contributed to the rise of anti-government groups, such as Shining Path and MRTA, and ultimately the election of President Fujimori in April 1990 with his promise of “honesty, work and technology.”¹⁵⁶ Economic inequality and its relationship to the stability of democracy has been studied qualitatively and quantitatively. Scholars such as Bollen and Jackman have shown that increased inequality reduces the size of the middle class, which results in an increased likelihood of extremist politics.¹⁵⁷ As noted by Cynthia McClintock in her article on democratic consolidation in Peru, “The middle class grows, and its political attitudes are relatively moderate, tolerant, and prodemocratic.”¹⁵⁸ Given

¹⁵⁴ “Fujimori Allies Seize Crusading TV Station.”

¹⁵⁵ Department of Justice, *Peru Human Rights*, 1.

¹⁵⁶ Ferrand, “The Other Side of the Story.”

¹⁵⁷ Kenneth A. Bollen and Robert W. Jackman, “Political Democracy and the Size Distribution of Income,” *American Sociological Review* 50, no. 4 (1985): 440, <http://www.jstor.org/stable/2095432>; and McClintock, “The Prospects for Democratic Consolidation,” 128.

¹⁵⁸ McClintock, “The Prospects for Democratic Consolidation,” 128.

the significant disparity in economic conditions in Peru prior to the election of Fujimori, it is reasonable to assume a connection between those conditions and the rise of guerilla groups.

Peruvians were desperate for relief from the burden of their economy and the ongoing guerrilla warfare. The depth of fear that existed in Peru due to the violence and the economic condition of Peruvians cannot be overstated. Between 1980 and 1990, Shining Path and MRTA gained significant strength, and Peruvians saw the government as ineffective in dealing with the violence and terrorism; kidnappings, executions, and extortion affected the lives of everyday Peruvians.¹⁵⁹ Shining Path had killed more than 27,000 Peruvians and was responsible for billions of dollars of destruction.¹⁶⁰ This violence occurred while the average Peruvian was struggling to navigate the economic catastrophe and a government that neglected these impacts.¹⁶¹ As Fujimori began to curb the violence and the Peruvian economy improved, the electorate was willing to accept some of the costs that accompanied the Fujimori government. Although Fujimori was able to initially reduce the violence by 80 percent by 1994 and eventually effectively dismantle Shining Path and MRTA, it came at the cost of excessive human rights violations by the government and violation of the fundamental principles of democracy.¹⁶²

The tipping points of economic inequality and the fear of violence became the pretext used by Fujimori to erode the constitutional structure and process. Fujimori argued that his extreme emergency measures were necessary to reform the economy and combat terrorism, and to his credit, Fujimori was successful in reducing violence and improving the economy.¹⁶³ During his tenure in office, President Fujimori's administration engaged

¹⁵⁹ Ferrand, "The Other Side of the Story"; Taft-Morales, *Peru: Recovery from Crisis*; and Cameron, "Self-Coups."

¹⁶⁰ Deborah Poole and Gerardo Rénique, *Peru: Time of Fear*, 1st ed. (London: Latin American Bureau, 1992), xi.

¹⁶¹ Poole and Rénique, *Peru: Time of Fear*, xi.

¹⁶² Taft-Morales, *Peru: Recovery from Crisis*; Schmidt, "Delegative Democracy in Peru?," 104; and Cameron, "Self-Coups."

¹⁶³ Department of Justice, *Peru Human Rights*, 122.

in numerous actions that curtailed the civil rights of Peruvian citizens.¹⁶⁴ It seized control and manipulated the content and distribution of information and news, engaged in significant human rights violations, made sweeping constitutional changes, and embraced corruption and harassment of political opponents.¹⁶⁵ As research has demonstrated, a government must adhere to some institutional and legal system that constrains arbitrary power, but as noted by Houle and Kenny in their work on populist rule in Latin America, “Alberto Fujimori used his personal popularity to completely override democratic institutions in Peru.”¹⁶⁶

2. Democratic Erosion in Hungary

As in Peru, in Hungary, the tipping points of economic inequality, phobias, and the perceived threat from outsiders led to decisions by Prime Minister Viktor Orbán that eroded democratic procedural minimums. Hungary’s experiences following World War I with the Treaty of Trianon and subsequent Soviet rule created an environment of economic inequality and anxiety. Then, the influx of refugees, primarily from the Middle East, in the early 21st century created an environment of fear, as demonstrated in public polls.¹⁶⁷ The Orbán government used these fears, particularly of the threat from outsiders, to implement legislation curtailing civil liberties such as freedom of the press and freedom to congregate. The judicial branch has been unable to intervene as a result of changes to the Hungarian constitution. The case of Hungary qualitatively demonstrates the relationship between the tipping points—economic inequality, phobias, and perceived threats from outsiders—and

¹⁶⁴ Houle and Kenny, “The Political and Economic Consequences of Populist Rule,” 1.

¹⁶⁵ Schmidt, “Delegative Democracy in Peru?,” 102–121; John Crabtree, “Democracy without Parties? Some Lessons from Peru,” *Journal of Latin American Studies* 42, no. 2 (May 2010): 357–82, <https://doi.org/10.1017/S0022216X10000477>; and Seligson and Carrión, “Mass Support for Coups d’Etat in Peru,” 58–82.

¹⁶⁶ Houle and Kenny, “The Political and Economic Consequences of Populist Rule,” 1–5.

¹⁶⁷ Paul Lendvai, “‘The Most Dangerous Man in the European Union’: The Metamorphosis of Viktor Orbán,” *Atlantic*, April 7, 2018, <https://www.theatlantic.com/international/archive/2018/04/viktor-orban-hungary/557246/>; and Jacob Poushter, “European Opinions of the Refugee Crisis in 5 Charts,” *Fact Tank* (blog), September 16, 2016, <http://www.pewresearch.org/fact-tank/2016/09/16/european-opinions-of-the-refugee-crisis-in-5-charts/>.

the erosion of democratic procedural minimums that occurred under the leadership of Viktor Orbán.

a. Background and Conditions

Located in central Europe in the Carpathian Basin, Hungary is landlocked and bordered by the countries of Austria, Croatia, Romania, Serbia, Slovakia, Slovenia, and Ukraine.¹⁶⁸ Hungary originated from the semi-nomadic tribes of Magyars and had roots in the Ottoman and Habsburg Empires until it emerged as an independent country after World War I.¹⁶⁹ Hungarian history is a tragic journey characterized by the influence of invaders, warfare, and reform.¹⁷⁰

At the end of World War I in 1920, the signing of the Treaty of Trianon resulted in the loss of Hungarian territory, economic inequality, and damage to the Hungarian national identity.¹⁷¹ Arguably, this treaty has had long-lasting effects that continue to influence elections in Hungary today. The treaty resulted in the loss of two-thirds of Hungary's original region, which negatively affected its national economy, creating an environment of economic inequality and a national fear of outsiders.¹⁷² The loss of territory resulted in more than three million Hungarians living in foreign countries and the loss of their national identity.¹⁷³

During World War II, Hungary became part of the Axis Powers in part because Germany and Italy sought to enforce the claims of Hungarians to former territory that had

¹⁶⁸ Jasmin S. Kuehnert, "25 Interesting Facts about Hungary," ACEI-Global, May 15, 2014, <https://acei-global.blog/2014/05/15/25-interesting-facts-about-hungary>; and "History of Hungary," Lonely Planet, accessed November 16, 2018, <https://www.lonelyplanet.com/hungary/history>.

¹⁶⁹ "Hungary Country Profile," BBC, May 21, 2018, <http://www.bbc.com/news/world-europe-17380792>.

¹⁷⁰ "Important Dates of Hungarian History," Technical University of Budapest, accessed November 15, 2018, <http://www.fsz.bme.hu/hungary/history.html>.

¹⁷¹ Oscar Jászi, "Kossuth and the Treaty of Trianon," *Foreign Affairs* 12, no. 1 (1933): 86–97; and Lendvai, "The Most Dangerous Man."

¹⁷² Jászi, "Kossuth and the Treaty of Trianon," 86–97; and Lendvai, "The Most Dangerous Man."

¹⁷³ Lendvai, "The Most Dangerous Man."

been lost in the Treaty of Trianon.¹⁷⁴ However, the Battle of Stalingrad had a devastating effect on Hungary and ultimately contributed to the fall of Nazi Germany. Following World War II, a provisional government was established and the Allied Control Commission, including representatives from the Soviet Union, the United States, and Great Britain, held sovereign power over Hungary. Nevertheless, absolute control of Hungary was in the hands of the commission's chairman, Marshal Kliment Voroshilov.¹⁷⁵ Through Voroshilov, Stalin exercised great influence over Hungary. Led by the Hungarian Communist Party, Stalin instructed Voroshilov to share power with other freely elected leaders although Stalin's long-term goal was to establish full communist control.¹⁷⁶ Though the Hungarian Communist Party had initially shared power with freely elected leaders, over time these leaders were ousted from power.¹⁷⁷

The impact of the Soviet Union's socialist influence and leadership devastated Hungary by increasing economic inequality as a result of its economic policies. Known for its highly centralized institutional framework, socialism in Hungary fell victim to economic deterioration due to factors such as mismanagement and declining economic efficiency and investments.¹⁷⁸ Communist rule also led to the 1956 revolution, which resulted in a massive crackdown from Moscow that resulted in many social injustices and the decline of civil liberties.¹⁷⁹ The Soviet Union exercised control and influence over Hungary until 1991 when Soviet troops withdrew from Hungary, and the Warsaw Pact was dissolved.¹⁸⁰

¹⁷⁴ BBC, "Hungary Country Profile"; and R. J. W. Evans, *Austria, Hungary, and the Habsburgs* (Oxford: Oxford University Press, 2008), <https://doi.org/10.1093/acprof:oso/9780199541621.001.0001>.

¹⁷⁵ Tim Lambert, "A Brief History of Hungary," Local Histories, accessed November 15, 2018, <http://www.localhistories.org/hungary.html>; and "1945–1947 - Communist Takeover," Global Security, last modified October 1, 2012, <https://www.globalsecurity.org/military/world/europe/hu-history-30.htm>.

¹⁷⁶ Global Security, "1945–1947 - Communist Takeover."

¹⁷⁷ Global Security.

¹⁷⁸ Henryk Flakierski, "Economic Reform & Income Distribution: A Case Study of Hungary and Poland," *Eastern European Economics* 24, no. 1/2 (1985): 3.

¹⁷⁹ Lambert, "A Brief History of Hungary."

¹⁸⁰ "Hungary Profile - Timeline," BBC, May 27, 2018. <http://www.bbc.com/news/world-europe-17383522>.

In 1994, the socialist government, under the leadership of Prime Minister Gyula Horn, inherited an economic crisis despite a growing economy.¹⁸¹ Rising production, wages, and living standards resulted in an increasing budget deficit and growing foreign debt. Under socialist control, the state of the Hungarian economy had been dire as unsustainable growth rapidly led to “financial insolvency and economic collapse,” which contributed to a perception of economic inequality as average Hungarians struggled while corrupt political leaders experienced economic well-being.¹⁸²

In 1995, Prime Minister Horn began to take significant actions to mitigate the economic disaster unfolding in Hungary. These actions included a number of reforms that eroded the principles of socialism as well as increased marketization and privatization.¹⁸³ However, these actions led to worsening conditions for the average Hungarian, and before long, public support for the leadership was at its lowest. Public support for Prime Minister Horn and the governing parties grew worse as a scandal—the Tocsik affair—was exposed in 1996.¹⁸⁴ These events set the stage for the Fidesz coalition to win the 1998 election.¹⁸⁵ Communism remained the predominant political force in Hungary until 1998 with the free election of Viktor Orbán of the Fidesz party (Alliance of Young Democrats), a center-right coalition.¹⁸⁶

Viktor Orbán’s rise to power within the Fidesz party and his ascension to the position of prime minister arguably began in 1989 when, as a 26-year-old man, he

¹⁸¹ Bill Lomax, “The 1998 Elections in Hungary: Third Time Lucky for the Young Democrats,” *Journal of Communist Studies and Transition Politics* 15, no. 2 (June 1999): 111–25, <https://doi.org/10.1080/13523279908415408>.

¹⁸² Lomax, 111–25.

¹⁸³ BBC, “Hungary Profile - Timeline”; and Kent Klautt, “Hungary after the Revolution: Privatization, Economic Ideology and the False Promise of the Free Market,” *Law & Inequality: A Journal of Theory and Practice* 13, no. 2 (1995): 368.

¹⁸⁴ Under the leadership of Prime Minister Horn, the government implemented an economic reform package that included increased privatization and radical government spending cuts to solve a deteriorating economy. The Tocsik affair was the exposure of a corrupt business transaction that awarded a private consultant an exorbitant fee, eventually contributing to Prime Minister Horn’s loss of power. “Hungary: 1998,” Freedom House, accessed November 15, 2018, <https://freedomhouse.org/report/freedom-world/1998/hungary>.

¹⁸⁵ Jan-Werner Müller, “The Hungarian Tragedy,” *Dissent* 58, no. 2 (2011): 5–10; and Lomax, “The 1998 Elections in Hungary.”

¹⁸⁶ Global Security, “1945–1947 - Communist Takeover.”

addressed over 250,000 people in Budapest.¹⁸⁷ Orbán rallied the emotions of the crowd at Hero's Square celebrating the leaders of the 1956 anti-communist uprising. Orbán ran for political office in 1990 during Hungary's first free elections. Though he placed first among party leadership, Fidesz's goal of a parliamentary majority was unsuccessful, and the socialist party retained control.¹⁸⁸ In 1998 Fidesz gained a parliamentary majority, and Viktor Orbán was elected prime minister. However, in the 2002 and 2006 elections, the Fidesz party did not retain control, and Viktor Orbán became leader of the opposition party, with the socialists returning to a majority. In the 2010 election, Viktor Orbán and the Fidesz party won in a landslide election and, in the 2014 election, they retained power.¹⁸⁹

In February 2012, Human Rights Watch drafted and sent a memorandum to the European Union detailing concerns regarding media censorship in Hungarian legislation implemented in 2010 and constitutional changes enacted in 2012.¹⁹⁰ The report highlights four key elements necessary for the independence of the media's role in a democratic government and the impact of Hungarian legislation affecting those elements.¹⁹¹ The report notes the importance of the independence of media and its ability to operate without government intervention, government regulations that result in self-censorship or reporting due to lack of clarity or fear from the legislation, declining revenue that supports independent media, and political interference in the content of public television.¹⁹²

In 2015, immigration reached an all-time high for all of Europe with the application of 174,000 seeking asylum. The Orbán government subsequently built walls between Hungary and Serbia as well as Croatia, thus "weaponizing" Hungarian fears associated with the influx of Middle Eastern immigrants, as shown in a 2015 poll of Hungarian

¹⁸⁷ Lendvai, "The Most Dangerous Man."

¹⁸⁸ Stephen Borsody, *Slavic Review* 20, no. 3 (1961): 530–532, <http://www.jstor.org/stable/3000518>.

¹⁸⁹ Müller, "The Hungarian Tragedy," 5–10.

¹⁹⁰ "Memorandum to the European Union on Media Freedom in Hungary," Human Rights Watch, February 16, 2012, <https://www.hrw.org/news/2012/02/16/memorandum-european-union-media-freedom-hungary>.

¹⁹¹ Human Rights Watch, "Memorandum to the European Union."

¹⁹² Human Rights Watch.

citizens.¹⁹³ Viktor Orbán capitalized on this crisis by tapping into Hungarian fears associated with the Treaty of Trianon.¹⁹⁴ A 2016 Pew Research poll of European countries found that Hungarians feared terrorism more than any of the 10 countries surveyed. Many European participants believed that refugees did not improve their country, and 82 percent of Hungarians believed that refugees would take jobs and benefits, further burdening Hungarian society.¹⁹⁵ Most immigrants to Hungary were migrating from Muslim countries, such as Syria and Iraq, and Hungarians believed this placed a burden on their country with loss of jobs and the immigrants' reliance on social benefits and programs.¹⁹⁶ The 2016 Pew study further revealed that 76 percent of Hungarians believed increasing the admission of refugees would increase the risk of terrorism.¹⁹⁷

b. Actions

Orbán has used the latent Hungarian fears—of economic inequality from the Treaty of Trianon and communist rule; of outsiders, particularly the influx of Middle Eastern refugees; and of terrorism and economic inequality—to implement changes that many believe have eroded democratic procedural minimums. In January 2012, a new constitution was enacted and critics of the Orbán government cautioned that provisions in the new constitution eroded democratic principles, eliminating necessary checks and balances.¹⁹⁸ Most notable were the modifications that limited the power of the constitutional court, thereby reducing its independence.¹⁹⁹ Orbán's justification for such changes was the need to eradicate the legacy of communism, which had devastated the Hungarian economy,

¹⁹³ Lendvai, ““The Most Dangerous Man.””

¹⁹⁴ Lendvai, ““The Most Dangerous Man.””

¹⁹⁵ Poushter, “European Opinions of the Refugee Crisis.”

¹⁹⁶ Lendvai, ““The Most Dangerous Man””; and Poushter, “European Opinions of the Refugee Crisis.”

¹⁹⁷ Lendvai, ““The Most Dangerous Man.””

¹⁹⁸ Human Rights Watch, “Hungary: Constitution Changes”; and Keno Verseck, “Hungary Steps Away from European Democracy,” Spiegel Online, March 11, 2013, <http://www.spiegel.de/international/europe/hungary-constitutional-reforms-signal-drift-away-from-democracy-a-888064.html>.

¹⁹⁹ Human Rights Watch, “Hungary: Constitution Changes”; and Department of State, *Hungary 2013 Human Rights Report* (Washington, DC: Bureau of Democracy, Human Rights, and Labor, 2013), 1, <https://www.state.gov/documents/organization/220497.pdf>.

created economic inequality, and harmed the national identity.²⁰⁰ Communism was directly linked to the Soviet Union's influence on Hungary, and this manifested in economic hardship and inequality for Hungarians, not to mention the fear of influence and control from outsiders.²⁰¹

The new 2012 constitution forbid the constitutional court from using the substance of its rulings that pre-dated the adoption of the new constitution while limited the court to only the procedural aspects of decisions rendered prior to the adoption of the new constitution.²⁰² According to a U.S. State Department report, this constitutional change effectively repealed previous case law from 1989–2011, eliminating the precedents from being applied to future cases but preserving the legal effects of those cases.²⁰³ International organizations and others saw these constitutional changes as a “systematic abolishment of the constitutional order” as they weakened the necessary role of checks and balances within a democratic government.²⁰⁴

Viktor Orbán's government has increasingly implemented legislation restricting freedom and independence of the press because of his stated belief that “an essential part of national sovereignty is having a majority of a media system in national hands.”²⁰⁵ The enactment of Hungary's Mass Media Act and Press Freedom Act in 2010 created a media council that reports to the National Media and Infocommunications Authority (NMHH), a regulatory agency that has sweeping powers to review content and award licenses to

²⁰⁰ “Q&A: Hungary's Controversial Constitutional Changes,” BBC, March 11, 2013, <http://www.bbc.com/news/world-europe-21748878>.

²⁰¹ “Post-war Reconstruction,” Institute for the History of the 1956 Hungarian Revolution, last modified December 5, 2003, http://www.rev.hu/history_of_45/tanulm_gazd/gazd_e.htm.

²⁰² Human Rights Watch, “Hungary: Constitution Changes”; and Verseck, “Hungary Steps Away from European Democracy.”

²⁰³ Department of State, *Hungary 2013 Human Rights Report*; and Verseck, “Hungary Steps Away from European Democracy.”

²⁰⁴ Verseck, “Hungary Steps Away from European Democracy”; and Department of State, *Hungary 2013 Human Rights Report*, 14–15.

²⁰⁵ “Hungary: Orban's Media Manipulation Exposed,” Al Jazeera, Listening Post, February 26, 2018, <https://www.aljazeera.com/programmes/listeningpost/2018/02/hungary-orban-media-manipulation-exposed-180224152247534.html>.

operate.²⁰⁶ The NMHH reports directly to Parliament, whose responsibilities include oversight of the media and broadcast markets and the execution of government policy.²⁰⁷ The president of the NMHH is appointed by the prime minister and serves as the chairman of the Media Council, a five-member panel whose oversight responsibility includes ensuring freedom of the press.²⁰⁸

The structure of governance, legislation, and economic impacts favor the party in power as the Orbán government controls advertising revenue, a necessary element for independent stations to survive.²⁰⁹ The Media Council's commitment to ensuring freedom of the press has been called into question. One notable example was the 2011 decision to strip Klub Radio, the only nationally independent news station, of its license to operate. More recently, the last independent newspaper, *Magyar Nemzet*, closed in April 2018 as a result of declining advertising revenues, which the state controlled.²¹⁰ The result of this governance structure is a form of political nepotism, which ensures the party in power has a strong role in influencing legislation and controlling information as well as the flow of vital advertising revenue streams.

Increasingly, independent Hungarian media outlets are collapsing or are dangerously close to failure as a result of government legislation and action, according to a 2017 Freedom House report.²¹¹ Media outlets that are critical of the Orbán government are often disbanded, such as the suspension in 2017 of *Népszabadság*, the largest independent political daily newspaper, or fail financially due to loss of advertising revenues.²¹² Legislation of the media authorizes the government to control the advertising

²⁰⁶ “Hungary: Media Freedom under Threat,” Human Rights Watch, February 16, 2012, <https://www.hrw.org/news/2012/02/16/hungary-media-freedom-under-threat>.

²⁰⁷ Human Rights Watch, “Memorandum to the European Union”; and Department of State, *Hungary 2013 Human Rights Report*, 23.

²⁰⁸ Human Rights Watch, “Memorandum to the European Union.”

²⁰⁹ Human Rights Watch, “Memorandum to the European Union.”

²¹⁰ Human Rights Watch, “Memorandum to the European Union”; and “Freedom of the Press 2017: Hungary Profile,” Freedom House, accessed November 15, 2018, <https://freedomhouse.org/report/freedom-press/2017/hungary>.

²¹¹ Freedom House, “Freedom of the Press 2017: Hungary Profile.”

²¹² Freedom House.

revenue, and those agencies not critical of the Orbán government thrive financially while those critical of the Orbán government face financial and government pressure.²¹³

In a 2013 report of racism, xenophobia, and intolerance in Hungary, the European Union Agency for Fundamental Rights found that legislation designed to protect against these prejudices was not effective.²¹⁴ Quoting the Hungarian government, the report demarcates those who are not Hungarian outsiders as “Bulgarian, Greek, Croatian, Polish, Serbian, Slovak, Slovene, and Ukrainian nationalities, which are defined as “ethnic groups resident in Hungary for at least one century.”²¹⁵ Despite these ethnic groups being legislatively native and theoretically protected, societal prejudices against these minority groups have resulted in “uneasy cohabitation” and a “declining feeling of security.”²¹⁶ These conditions were further exacerbated with the influx of over 300,000 Middle Eastern refugees beginning in 2015, which overwhelmed Hungarian infrastructure and brought fears of terrorism to the Hungarian people.²¹⁷ This trend has resulted in a societal phobia of economic inequality and terrorism, which the Orbán government has used to implement anti-immigration law.²¹⁸ The “keep them out” policy includes a three-pronged approach including the building of a border wall, deportation of illegal immigrants, and “withdrawal of integration support,” which results in the forced relocation of individuals to a “reception centre.”²¹⁹

²¹³ Human Rights Watch, “Hungary: Media Freedom under Threat”; and Human Rights Watch, “Memorandum to the European Union.”

²¹⁴ European Union, *Racism, Discrimination, Intolerance and Extremism*, 25.

²¹⁵ European Union, 26.

²¹⁶ European Union, 27.

²¹⁷ James Traub, “The Fearmonger of Budapest,” *Foreign Policy*, October 27, 2015, <https://foreignpolicy.com/2015/10/27/the-fearmonger-of-budapest-orban-hungary-refugees-migrants-europe/>.

²¹⁸ Krisztina Than, “Fear of Migrants Galvanizes PM Orbán’s Supporters in Rural Hungary,” Reuters, March 21, 2018, <https://www.reuters.com/article/us-hungary-election-orban-voters/fear-of-migrants-galvanizes-pm-orbans-supporters-in-rural-hungary-idUSKBN1GX1HW>.

²¹⁹ Joe Wallen, “‘Hungary Is the Worst’: Refugees Become Punch Bag under Prime Minister Orbán,” *Independent*, July 13, 2018, <https://www.independent.co.uk/news/world/europe/hungary-refugees-immigration-viktor-orban-racism-border-fence-a8446046.html>.

c. Summary

Ultimately, the Orbán government has taken advantage of widespread phobias—especially linked to the Treaty of Trianon—the fear of violence, the perceived threat from outsiders as a result of the influx of Middle Eastern immigrants, and economic inequality to erode the constitutional structure, consolidate power and influence, and implement changes. Orbán’s changes have curtailed civil liberties and eliminated the checks and balances necessary in a democracy by effectively abolishing independent media and limiting the role of the constitutional court in providing oversight and accountability.

The Orbán government has used the phobia of terrorism to eliminate the influx of Middle Eastern refugees and to remove such immigrants who have settled in Hungary. Public polls have validated that this phobia exists across the majority of the population, which has translated into support for the anti-immigration policies enacted by the Orbán government. In other words, the Orbán government has used the phobia of terrorism to implement laws that have eroded the civil liberties of individuals within Hungary. Those who resided in Hungary prior to the implementation of the “keep them out” policy have been forced to relocate—absent due process procedures, and which would have afforded them the right to address their accusers regarding the fear of terrorism. While it could be argued that those who do not enjoy Hungarian citizenship are not afforded the rights of native Hungarians, such logic raises the following fundamental question about democratic procedural minimums. Do they apply only to those who are native to a country, or are they universal? This thesis does not answer that particular question, but it identifies the erosion of democratic procedural minimums as a result of the phobia of terrorism by non-native Hungarians.

The Orbán government has also seized control and influenced the content and distribution of information and news, thereby undermining a key element necessary in a democracy: freedom of the press. It is clear from the research that the legislative structure, process, and controls have had a chilling effect on independent reporting. The freedom of the press to question and criticize its government has been increasingly evaporating as state-sponsored and -supported media outlets escalate in number and size while those critical of the government are losing revenue and facing increased government pressure to

cease criticism.²²⁰ While some media outlets remain dedicated to independent reporting, it is equally clear that some have chosen to self-censor as a means to survive.²²¹ While the Orbán government has increasingly taken actions to restrict the freedom of the press, the relationship of those actions to the tipping points of social inequality, phobias, and fears remains unclear. What seems clear is the connection between the control of the media and the Orbán government retaining power. As reported in the *New York Times* Zoltan Illes, a former Fidesz minister, claims Orbán's goal is power.²²²

Less clear is the significance of economic inequality used as a condition by the Orbán government to take actions that erode democratic procedural minimums although there does appear to be a link of economic concerns related to immigration and communist rule. It is apparent that under communist influence, the Hungarian economy suffered, which created economic inequality. Moreover, the Treaty of Trianon contributed to the economic inequality, and both of these were linked to the perception of Hungarians that economic inequality was caused by outsiders. Viktor Orbán has capitalized on this public belief and pushed an agenda and culture of national sovereignty. Thus, these conditions have ultimately affected legislation toward outsiders that have curtailed their civil liberties.

Of notable concern from the research is the finding that the Orbán government is also attempting to reshape history through public opinion surveys and the educational system. National surveys are used not only to collect public opinion but also to influence it. Laszlo Miklosi, president of the Hungarian History Teachers organization, has stated, "The government's goal is to create a version of history preferable to Orbán."²²³

²²⁰ "Viktor Orban: Information about Migration Is Suppressed and Manipulated by Western Europe," Voice of Europe, April 5, 2018, <https://voiceofeurope.com/2018/04/viktor-orban-information-about-migration-is-suppressed-and-manipulated-by-western-europe/>.

²²¹ Al Jazeera, "Orban's Media Manipulation Exposed."

²²² Patrick Kingsley, "How Viktor Orban Bends Hungarian Society to His Will," *New York Times*, March 27, 2018, <https://www.nytimes.com/2018/03/27/world/europe/viktor-orban-hungary.html>.

²²³ Kingsley.

3. Democratic Erosion in Pre–World War II Germany

Germany suffered significant harm from the Treaty of Versailles, ultimately setting the stage for the rise of Adolf Hitler.²²⁴ The treaty had devastating economic and security consequences for Germany, and the Weimar Republic was unable to resolve the associated problems. Ultimately, the case of Germany demonstrates qualitatively that Adolf Hitler and the Nazi Party used the tipping points of economic inequality, phobias, and the perceived threat from outsiders to erode democratic procedural minimums.

a. *Background and Conditions*

Germany is located in western and central Europe between the countries of France, Poland, Denmark, Austria, Czech Republic, Belgium, the Netherlands, and Switzerland. Germany is a country of rich culture and history, with roots in Germanic tribes and the Frankish Empire.²²⁵ Until late in the 19th century, however, while a German language and a German culture existed, there was nothing like a German state in the sense of a modern, unified political entity. Rather, a proliferation of small duchies and principalities all formed diverse parts of an empire with little central or centralizing control.²²⁶ As John Gagliardo writes, “This political fragmentation . . . was the single most salient characteristic of German history throughout the period [until Germany’s late political unification].”²²⁷

The unification of Germany occurred in 1871 following the Franco–Prussian War. It was in large part due to the leadership of Emperor Wilhelm I’s minister, Chancellor Otto von Bismarck, who seized on the rising sentiment of nationalism. Bismarck diplomatically and militarily maneuvered Prussia and the remaining German states into a single empire under Wilhelm. Germany was ruled by Wilhelm and his ministers, despite having an elected parliament (Reichstag), until his death in 1888. He was succeeded by Frederick III,

²²⁴ Marc von Lüpke-Schwarz, “The Law That ‘Enabled’ Hitler’s Dictatorship,” DW, March 23, 2013, <http://www.dw.com/en/the-law-that-enabled-hitlers-dictatorship/a-16689839>.

²²⁵ “Early History of Germany,” German Culture, December 10, 2015, <http://germanculture.com.ua/germany-history/early-history-of-germany>; and John Gagliardo, *Germany under the Old Regime, 1600–1790* (London: Longman Group, 1991), 2.

²²⁶ Gagliardo, viii.

²²⁷ Gagliardo, viii.

who ruled for three short months. Wilhelm II succeeded Frederick III and ruled from 1888 until 1919 when the monarchy was abolished.²²⁸

The assassination of Archduke Francis Ferdinand in 1914, the heir to the Austro-Hungarian throne, led to the declaration of war between Austria and Serbia, eventually leading to World War I. The conflict quickly escalated and soon involved the world's great economic powers, ultimately involving more than 32 countries. World War I was known as the “war to end all wars,” and “the great war” was of a scale not previously seen. More than 70 million military personnel were engaged in the war; nine million were killed, and seven million civilians lost their lives—making it the deadliest war of all time. Germany had aligned itself with Austria-Hungary, Bulgaria, and the Ottoman Empire (the Central Powers) and was ultimately defeated, leading to the peace settlement in Paris, France, in 1919.

The Treaty of Versailles in 1919 resulted in Germany being cast as the “chief instigator” by the European Allied Powers because of its “blank check” support of Austria-Hungary. The impact of this treaty to Germany was catastrophic; because it was not a participant in the negotiation of the Treaty, the consequences to Germany were staggering. Not only was Germany forced to concede significant territory (13 percent) and 10 percent of its population to neighboring countries, but of greatest significance was the requirement (in art. 231) for Germany to pay reparations.²²⁹ France, fearing an outbreak of another war with Germany, insisted that the financial reparations be enormous, knowing Germany would be unable to pay. The economic impacts were staggering, and the years following World War I were characterized by high unemployment and rampant inflation.²³⁰

Germany was also required to reduce its military, including the elimination of its Air Force and most of its Navy, to levels that disabled its defense capabilities. Germany

²²⁸ Munroe Smith, *Bismarck and German Unity: A Historical Outline* (London: Macmillan, 1898), 80–84.

²²⁹ Catherine Epstein, *Nazi Germany: Confronting the Myths*, 1st ed. (Chichester, UK: Wiley, 2015), 11–14; and “Treaty of Versailles, 1919,” United States Holocaust Memorial Museum, accessed June 9, 2018, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005425>.

²³⁰ “Germany Profile - Timeline,” BBC, March 15, 2018, <https://www.bbc.com/news/world-europe-17301646>.

was also subject to 15 years of occupation by Allied troops on the left bank of the Rhine River and was required to reimburse the Allies for the associated costs.²³¹ Scholars have argued that the resulting escalating unemployment, rampant inflation, occupation, loss of German defense, political instability, and other conditions from the war and treaty created an environment that resulted in Hitler's rise to power.²³²

As a result of the defeat from World War I and the subsequent Treaty of Versailles, Emperor Wilhelm II and his ministers stepped down from power. The Weimar Republic was established as a result of an elected national assembly drafting a new constitution.²³³ During the period from 1919 to 1933, the Weimar Republic, a parliamentary democracy, was Germany's first experiment with democratic rule. The new government had numerous challenges including the return of millions of soldiers seeking employment in an economic environment already complicated by the reparations imposed by the Allies. The Stinnes-Legien Agreement, a pact with trade unionists, was a solution that in part attempted to address the need for employment. The agreement provided protection to private property, prohibited the nationalization of industry, and granted labor a role in management decisions. The Stinnes-Legien Agreement exacerbated the economic challenges of German businesses, and soon, employers lost confidence in the Weimar Republic, feeling that employees had more rights than employers.²³⁴ For the Weimar Republic, the early years were characterized by political and economic challenge, but a brief period of stability followed. However, the loss of World War I, the Treaty of Versailles, and the subsequent inability of the coalition government to be effective eroded public confidence. These conditions contributed to growing public resentment that sought resolution for German grievances.

²³¹ Epstein, *Nazi Germany*, 11–13.

²³² Manfred F. Boemeke, Gerald D. Feldman, and Elisabeth Gläser, eds., *The Treaty of Versailles: A Reassessment after 75 Years* (Cambridge: Cambridge University Press, 1998); and Epstein, *Nazi Germany*, 11–13.

²³³ "The Weimar Republic, 1918–33," German Culture, December 15, 2015, <http://germanculture.com.ua/germany-history/the-weimar-republic-1918-33/>.

²³⁴ Epstein, *Nazi Germany*, 14–18.

In 1929, Germany was not insulated from the impacts of the Great Depression. In conjunction with high unemployment rates, many German businesses collapsed, further exacerbating the German condition. The Great Depression resulted in a greater division between the haves and have-nots—the poorest of society losing employment, homes, and the ability to purchase food while the wealthy feeling little economic impact.²³⁵ In the following years, German production dropped by 42 percent, and by 1932, one-third of the German workforce was unemployed. The Weimar Republic’s ability to generate remedies for the German population had become so ineffective that its fate was sealed, and an environment that gave rise to Hitler’s ascension was cast.²³⁶

b. *Actions*

Historians have argued that conditions in Germany after World War I created a fertile environment for the installation of Adolf Hitler and his concentration of power.²³⁷ The Weimar Republic’s inability to solve pressing issues for its citizens became a focal point of Hitler’s criticisms as he leveraged the republic’s inability to restore the economy and Germany’s prominence prior to the Treaty of Versailles. Hitler recognized these conditions and, using his extraordinary oratory skills, convinced Germans that his solutions would do what the Weimar Republic had been unable to do. Hitler believed that the population and his adversaries were best served by the delivery of simple explanations to problems and solutions, minimizing the counterarguments of his opponents.²³⁸

Hitler was appointed chancellor on January 30, 1933, and initially, the Nazi Party was a minority in parliament.²³⁹ As a condition of his appointment, Hitler convinced President Hindenburg of the need to dissolve the Reichstag and secured support for new

²³⁵ “The Impact of the Great Depression on Germany,” Washington State University, accessed July 30, 2018, <https://history105.libraries.wsu.edu/fall2014/2014/08/29/the-economic-impact-of-the-great-depression-during-the-1930s/>.

²³⁶ “The Nazi Rise to Power,” United States Holocaust Memorial Museum, accessed June 30, 2018, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10008206>.

²³⁷ Von Lüpke-Schwarz, “The Law That ‘Enabled’ Hitler’s Dictatorship.”

²³⁸ Epstein, *Nazi Germany*, 28.

²³⁹ Epstein, *Nazi Germany*, 46.

parliamentary elections, hoping to gain a parliamentary majority.²⁴⁰ On February 27, 1933, the Reichstag, Germany's parliamentary building in Berlin, was burned by an arsonist, causing over \$1 million in damage and becoming the catalyst for Hitler, the newly elected chancellor to seize control of parliament and take sweeping action, eroding democratic principles.²⁴¹

Shortly after arriving at the scene of the Reichstag fire, Hitler publicly stated that he believed the destruction to be the work of a communist and the beginning of a communist insurrection, thereby capitalizing on the public's growing phobia of the threat from communism.²⁴² Hitler was able to convince President Paul Von Hindenburg of the need for immediate and sweeping action to bring the growing communist threat under control.²⁴³ The following day, President Hindenburg invoked article 48, and the cabinet drafted The Decree of the Reich President for the Protection of the People and State, also known as the Reichstag Decree.²⁴⁴ This decree suspended the German constitution and immediately abolished several civil liberties including freedom of the press.²⁴⁵ The decree authorized the chancellor to take any action necessary to restore public safety and order and, citing the communist threat, quickly led to the arrest of Germans citizens.²⁴⁶ Hitler used this decree to begin consolidation of power by arresting 4,000 suspected communists,

²⁴⁰ Epstein, *Nazi Germany*, 46; and William L. Hosch, "The Reichstag Fire and the Enabling Act of March 23, 1933," *Britannica Blog*, March 23, 2007, <http://blogs.britannica.com/2007/03/the-reichstag-fire-and-the-enabling-act/>.

²⁴¹ Lorraine Boissoneault, "The True Story of the Reichstag Fire and the Nazi Rise to Power," *Smithsonian*, February 21, 2017, <https://www.smithsonianmag.com/history/true-story-reichstag-fire-and-nazis-rise-power-180962240>.

²⁴² Epstein, *Nazi Germany*, 47.

²⁴³ "The Enabling Act - Hitler Rips Up the Constitution," *History in an Hour*, March 23, 2011, <http://www.historyinanehour.com/2011/03/23/enabling-act-summary/>.

²⁴⁴ Von Lüpke-Schwarz, "The Law That 'Enabled' Hitler's Dictatorship"; and Hosch, "The Reichstag Fire."

²⁴⁵ Boissoneault, "The True Story of the Reichstag Fire"; and Epstein, *Nazi Germany*, 46–47.

²⁴⁶ Verordnung des Reichspräsidenten zum Schutz von Volk und Staat vom (Decree of the Reich President for the Protection of the People and State), February 28, 1933, *Reichsgesetzblatt*, http://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=2325; and Epstein, *Nazi Germany*.

including members of the German Communist Party who were elected members of parliament.²⁴⁷

Furthermore, Hitler was able to use the economic inequality that resulted from the Treaty of Versailles and the 1929 economic depression to rise to power and consolidate control.²⁴⁸ The intended objective of the treaty to hamper Germany's recovery was highly successful, with Germany responsible for funding reconstruction in France and paying allied forces for pensions associated with disabled soldiers and widows.²⁴⁹ It is estimated that the cost of these expenses in 2011 U.S. dollars was \$442 billion.²⁵⁰ The economic burden from the Treaty of Versailles was further exacerbated by the Great Depression.²⁵¹ Hitler seized on the nexus between the Weimar Republic's ineptitude in solving the economic burden and the plight of the average German by making promises of economic reform.²⁵² To farmers, he promised high tariffs to reduce foreign competition; for small businesses, he railed against department stores; and to big business, he promoted the "sanctity of private property."²⁵³

The Weimar Republic's ineffective actions reinforced Hitler's message that Parliament was divisive and promoted its self-interests while ignoring the plight of the average German.²⁵⁴ Hitler's proposed solutions resonated with increasing numbers of Germans and propelled him toward ascendancy to chancellor in January 1933.²⁵⁵ In 1932, prior to Hitler coming to power, six million registered Germans were unemployed.²⁵⁶

²⁴⁷ Boissoneault, "The True Story of the Reichstag Fire."

²⁴⁸ Epstein, *Nazi Germany*, 11–12.

²⁴⁹ Epstein, *Nazi Germany*, 11–12; and United States Holocaust Memorial Museum, "Treaty of Versailles, 1919."

²⁵⁰ Epstein, *Nazi Germany*, 11–12.

²⁵¹ Gustav Stolper, *German Economy* (London: Taylor and Francis, 2017), loc. 2075 of 3982, Kindle.

²⁵² Stolper, *German Economy*, loc. 385, 2062, 2074.

²⁵³ Epstein, *Nazi Germany*, 36.

²⁵⁴ Epstein, 36.

²⁵⁵ Epstein, 36–39.

²⁵⁶ Stolper, *German Economy*, loc. 2662.

Between 1933 and 1938, Hitler reduced unemployment to 164,000.²⁵⁷ To many Germans who felt left behind by the ineptitude of the Weimar Republic, Hitler's economic solutions were effective in lifting the average German out of poverty.

In March 1933, the Enabling Act, which granted sweeping powers to Chancellor Adolf Hitler, was enacted.²⁵⁸ This act, known as the Law to Remedy the Distress of People and Reich, granted Hitler authority to enact laws without parliamentary approval.²⁵⁹ The Enabling Act was not passed before the Reichstag Decree, but this legislation became the tool that Hitler and the Nazi Party used to secure a parliamentary majority and violate constitutional law. As a result of the Reichstag Decree adopted in February 1933 and the Enabling Act in March 1933, Hitler and the Nazi Party consolidated power and removed all constitutional checks and balances, thereby eroding democratic procedural minimums.

c. Summary

The economic and security impacts of the Treaty of Versailles were catastrophic to Germany as they affected virtually every German's economic status and condition, as well as their national sense of pride, identity, and sense of security. Germans were hungry for relief and leadership that could resolve these burdens and were increasingly losing hope in their future as the Weimar Republic had proved ineffective at resolving the challenges of the time.

The implementation of the Reichstag Decree and the Enabling Act became pivotal moments in history, as they facilitated Hitler's concentration of power and all that followed. The Reichstag Decree and the Enabling Act led to the concentration of power in the hands of one man and his party. These parliamentary actions occurred rapidly, encountering only ineffective opposition, and resulted in the removal of the necessary checks and balances—democratic procedural minimums—in a democracy. These

²⁵⁷ Stolper, loc. 2662.

²⁵⁸ Boissoneault, "The True Story of the Reichstag Fire"; Levitsky and Ziblatt, *How Democracies Die*, 95; and Von Lüpke-Schwarz, "The Law That 'Enabled' Hitler's Dictatorship."

²⁵⁹ Von Lüpke-Schwarz, "The Law That 'Enabled' Hitler's Dictatorship."

definitive actions became the beginning of what would lead to the Holocaust and a dictatorship.

It is clear that German society was burdened by the realities and fears associated with an economy that left 6.2 million unemployed and a fear that things would not improve. For the average German who had suffered under the terms of the Treaty of Versailles, it was salt in the wound that their national leadership was unable to resolve these economic problems.

The Treaty of Versailles was thus a contributing factor to the conditions that allowed the rise of Hitler. The requirements of the treaty placed an unreasonable and unsustainable burden on Germany and its people. Germany was unable to repay the debt that was demanded in the treaty's terms, which were excessive and unreasonable. The loss of the nation's security as a result of the elimination and reduction of much of the German military was a concern to Germans as they reflected on the implications of a military force that likely would be unable to ensure national security. The German condition was ripe for relief, and the people were desperate for leadership that could again instill hope and bring about change. Hitler initially offered that hope and relief by validating German emotions and by offering solutions that resonated with the population.

Pre-World War II Germany and the rise of Hitler are a textbook case of constitutional erosion. Hitler and the Nazi Party exploited the economic instability, fears, and phobias of the German population to win support and carry out their vision of a new world order by rapidly implementing legislation that eradicated democratic procedural minimums. What later became known as *Gleichschaltung* (coordination) was a concerted strategy by Hitler to effectively control not only the political establishment but society as a whole.²⁶⁰ It is difficult to imagine how the Reichstag Decree and the Enabling Act could be so rapidly adopted without concern over the absence of checks and balances, but Hitler effectively leveraged the tipping points of economic insecurity, phobias, and the fear of outsiders to do just that.

²⁶⁰ Epstein, *Nazi Germany*, 50–52.

C. CONCLUSION

Peru, Hungary, and Germany provide evidence that links conditions of economic inequality, phobias, and perceived threats from outsiders with actions taken by their governments to erode democratic governance. In each case, national leadership used these conditions to consolidate power and make legislative changes that might not otherwise have been possible. And in each of these cases, the country's history seems to have been a key component of this equation.

In Peru, Fujimori was elected into office at the height of economic catastrophe and countrywide violence and fear. The economic calamity and violence against innocent Peruvians became tipping points that empowered Fujimori to leverage virtual autonomy midway through his first term. The Peruvians were so weary from the burden of hyperinflation and violence that they were willing to accept extraordinary measures to provide relief—and Fujimori offered promises of a remedy. His ability to create significant progress toward improving the economy and reducing violence led to most Peruvians' support, regardless of the growing evidence of corruption and abuse exercised by the Fujimori regime. Using the catastrophic and stifling economic conditions in Peru, along with the 10 years of guerrilla warfare that had killed over 27,000 Peruvians, Fujimori used these tipping points as justification to consolidate power and for actions that eroded Peru's fragile democracy. Fujimori's actions included the erosion of, and weak commitment to, democratic rules, toleration of violence, and a willingness to reduce and eliminate civil liberties.

In Hungary, the Orbán government, which remains in power as of the writing of this thesis, has also leveraged the tipping points of economic inequality, phobias, and perceived threats from outsiders and then taken actions that erode fundamental democratic principles. Orbán has used the fears and phobias of Hungarians, who are deeply keen of the history of their country and loss of national identity, to take sweeping actions that have consolidated his power, minimizing the necessary systems and processes for ensuring that checks and balances exist within their democracy. The most notable of these include the censorship and control of Hungarian media and the adoption of a constitution that limits the control of the constitutional court. Both of these institutions play a vital role in ensuring

oversight and accountability of government. The absence of these institutions and their ability to operate independently eliminate key underpinnings of a democratic society. Viktor Orbán used the Treaty of Trianon to capitalize on the Hungarian fear of economic inequality, phobias, and perceived threats from outsiders as justification for implementing legislative actions that have eroded the constitutional checks and balances in a democracy and curtailed the civil liberties of Hungarian citizens. Principles such as freedom of the press and an independent judiciary have been significantly eroded, if not eliminated, and the basis for this justification is rooted in the tipping points of economic inequality, phobias, and perceived threats from outsiders.

In Germany, Hitler leveraged German fears rooted in the Treaty of Versailles, the fear of communism, the fear of economic inequality and security, and the Weimar Republic's inability to implement effective solutions to seize and consolidate power rapidly following the Reichstag fire. Germans were desperate for relief from the burdens of the Treaty of Versailles and growing concern over communism as well as the economic environment in Germany at that time. Moreover, Hitler's promised solutions and his commanding presence resonated with the electorate. But it was also a matter of timing that put conditions in motion, as well as Hitler's extraordinary oratory skills, that allowed Hitler to gain and consolidate power rapidly, primarily through the Enabling Act. Of the three case studies, it is apparent that Hitler's violations of democratic procedural minimums are both the most extreme and the most horrific in terms of outcomes.

Dahl as well as Linz and Stepan note that democratic procedural minimums, including citizen control over the government and the checks and balances that provide mechanisms of accountability to those who rule the ruled, are necessary for a democracy to exist and not to disintegrate into an autonomy or dictatorship.²⁶¹ It is recognized that eroding constitutional checks and balances causes democracy to decay. In the case of each of these countries, the tipping points of economic inequality, phobias, and fear of outsiders created an environment in which leaders rose to power, promising restoration and remedy. Each of these leaders exercised actions that eliminated or weakened democratic rules,

²⁶¹ Linz and Stepan, *The Breakdown of Democratic Regimes*, 16–23.

challenged the legitimacy of political opponents, tolerated or even embraced violence, and willingly reduced or eliminated the civil liberties of its citizens.

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III. THE STATE OF DEMOCRACY IN THE UNITED STATES

The United States is not exceptional. It is instead vulnerable to the most prevalent form of democratic backsliding—a slow descent toward partial autocracy.

—Aziz Z. Huq and Tom Ginsburg,
“How to Lose a Constitutional Democracy”²⁶²

Since the election of President Donald Trump in November 2016, a multitude of journalists and scholars have suggested that the actions of the Trump administration are eroding American democracy.²⁶³ The primary evidence among critics to support these contentions are the same kinds of actions that took place in Peru, Hungary, and pre-World War II Germany. They argue that President Trump has leveraged the conditions of economic inequality, phobias, and the perceived threat from outsiders as tipping points to reject or weaken the commitment to democratic rules—curtailing civil liberties, tolerating violence, and challenging the legitimacy of political opponents and institutions—to erode democracy.²⁶⁴

This chapter examines current conditions in the United States using Mayring’s qualitative analysis methodology. The careful study of the background, conditions, and actions taken by government officials is instructive in conducting an analysis of democratic erosion in the United States and may offer insights that reveal warning signs for America.

²⁶² Aziz Huq and Tom Ginsburg, “How to Lose a Constitutional Democracy,” Vox, February 21, 2017, <https://www.vox.com/the-big-idea/2017/2/21/14664568/lose-constitutional-democracy-autocracy-trump-authoritarian>.

²⁶³ Levitsky and Ziblatt, *How Democracies Die*; Huq and Ginsburg, “How to Lose a Constitutional Democracy,” Vox; and Luce, *The Retreat of Western Liberalism*.

²⁶⁴ Levitsky and Ziblatt, *How Democracies Die*; Huq and Ginsburg, “How to Lose a Constitutional Democracy,” Vox; and Luce, *The Retreat of Western Liberalism*.

A. CURRENT CONDITIONS

The election of President Trump came as a surprise to many international leaders and those supporting candidate Hillary Clinton.²⁶⁵ The campaign was highly divisive, with both candidates having been accused of crimes including obstruction of justice, violations of national security regulations, campaign finance violations, and conspiracy. As a result of the elections, according to Pew Research Center, the greatest reaction to the election's results among Clinton supporters was unease followed by sadness, fear, and anger; Trump supporters reported feelings of hope and pride.²⁶⁶

An analysis of Trump's first year in office conducted by John M. Carey et al. examines the president and his administration to monitor potential democratic erosion.²⁶⁷ Their research examined the quality of American democracy using a survey of the general public and political scientists. The survey elicited respondents' views on the administration's performance and their own democratic priorities among seven democratic principles: elections, voting, rights, protections, accountability, institutions, and discourse. The study found that both the general public and political scientists are concerned about the potential (or perceived) erosion of the quality of democracy under the Trump administration—about the possibility that violations of democratic norms may be eroding or placing the country in danger of democratic regress. There was no consensus, though, on the severity of those concerns, which were divided largely along politically ideological lines.²⁶⁸ While the survey respondents expressed concern regarding democratic erosion in the United States, they were by no means alone in their concerns. Journalists and many academics regularly cite President Trump's inflammatory rhetoric and delegitimization of

²⁶⁵ Bryan Logan, "Flashes of Anger, Tears, and a Promise: How Obama and World Leaders Privately Reacted to Trump's Election, as Told by a Former Obama Adviser," *Business Insider*, May 31, 2018, <https://www.businessinsider.com/how-obama-and-world-leaders-privately-reacted-to-trumps-election-2018-5>.

²⁶⁶ "Presidential Election Reactions and Expectations," Pew Research Center, November 21, 2016, <http://www.people-press.org/2016/11/21/presidential-election-reactions-and-expectations/>.

²⁶⁷ John M. Carey et al., "Searching for a Bright Line: The First Year of the Trump Presidency," SSRN, last modified October 5, 2018, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3142310.

²⁶⁸ Carey et al., 9–22.

political opponents and institutions; accuse him of racism, homophobia, and xenophobia; and argue that he endorses violence, all as evidence of democratic erosion.²⁶⁹

The evidence of the president's delegitimization of political opponents and institutions is not in dispute; he has not only engaged in inflammatory rhetoric toward his political opponents but has also challenged the legitimacy of some institutions, such as the special counsel's probe of Russian involvement in the 2016 presidential election, the media, and the intelligence community and Federal Bureau of Investigation (FBI) leadership. Most recently, the president has called the Democratic Party "the party of crime."²⁷⁰ Critics have alleged that Trump's rhetoric has taken the United States to levels of hostility not previously experienced, but these claims are debatable as some scholars and journalists argue this kind of speech is not unique to President Trump.²⁷¹

President Trump has accused the media of promulgating "fake news" and questioned their legitimacy at times, calling some journalists "the enemy of the American people" and banning media outlets—including CNN—from his press conferences.²⁷² As a result, some scholars and journalists have cited these attacks on the free press as evidence of democratic erosion.²⁷³ Critics argue that at a minimum, these attempts to curb the freedom of the media are indicators of a decline in the quality of democracy.²⁷⁴

²⁶⁹ Harry van der Linden, "Trump, Populism, Fascism, and the Road Ahead," *Radical Philosophy Review* 20, no. 2 (2017): 355–65, <https://doi.org/10.5840/radphilrev201720278>.

²⁷⁰ Mary Papenfuss, "Trump Goes Off on Weird Riff about How It's Really the 'Democrat' Party," *Huffington Post*, September 30, 2018, https://www.huffingtonpost.com/entry/trump-goes-off-on-weird-riff-about-democrat-party_us_5bb03d1ce4b027da00d3d351.

²⁷¹ Rich Rubino, "Political Insults in American Politics Are As Old As the Republic," *Huffington Post*, October 9, 2017, https://www.huffingtonpost.com/entry/political-insults-in-american-politics-are-as-old-as_us_59dc22c9e4b0a1bb90b8308e; and Lisa Suhay, "Is Trump 'Un-Presidential'? Not Compared to Some Past Presidents," *Christian Science Monitor*, August 10, 2015, <https://www.csmonitor.com/USA/USA-Update/2015/0810/Is-Trump-un-presidential-Not-compared-to-some-past-presidents>.

²⁷² Ashley Parker, "'Totally Dishonest': Trump Asserts Only He Can Be Trusted over Opponents and 'Fake News,'" *Washington Post*, August 30, 2018, https://www.washingtonpost.com/politics/trump-pushes-a-reality-where-opponents-are-peddling-false-facts-and-only-he-can-be-trusted/2018/08/30/d7ac7c38-ac62-11e8-b1da-ff7faa680710_story.html.

²⁷³ Parker, "'Totally Dishonest'"; and Levitsky and Ziblatt, *How Democracies Die*, 199.

²⁷⁴ Dahl and Shapiro, *On Democracy*, loc. 3078; and Erdmann and Kneuer, *Regression of Democracy?*, 63–64.

The media and many academics are not the only institutions alleging democratic erosion under the Trump administration. Congress has also expressed these same concerns and, as a result, the Department of Justice (DOJ) and Congress have taken a variety of actions.²⁷⁵ Congress and the DOJ have appointed a special counsel, an investigation by the Inspector General, and multiple House and Senate investigations.

Robert Mueller was appointed special counsel to investigate allegations of conspiracy between the Russian government and the Trump campaign.²⁷⁶ Michael Horowitz was appointed to investigate FBI Director James Comey's handling of the Clinton email server investigation and, most recently, the DOJ's investigation of the Trump campaign.²⁷⁷ The House Intelligence and Judiciary Committees have also been conducting various investigations related to the 2016 presidential election and the Trump campaign.²⁷⁸ Though these investigations collectively have not been completed, early findings—yet without definitive evidence—might ultimately answer questions related to the extent of democratic erosion and any connection of such erosion to President Trump's actions. Finally, the president revoked the security clearance of former Central Intelligence Agency (CIA) director John Brennan, and the nomination process and appointment of Supreme

²⁷⁵ Department of Justice, *A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election* (Washington, DC: Office of the Inspector General, June 2018), <https://www.justice.gov/file/1071991/download>; and Department of Justice, *DOJ OIG Releases Report on Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election* (Washington, DC: Office of the Inspector General, June 14, 2018), 21, <https://oig.justice.gov/press/2018/2018-06-14.pdf>.

²⁷⁶ Ryan J. Reilly, "The Mueller Investigation, Explained. Here's Your Guide to the Trump-Russia Probe," *Huffington Post*, July 27, 2018, https://www.huffingtonpost.com/entry/mueller-investigation-trump-russia-probe_us_5b4cdda5e4b0e7c958fe3141.

²⁷⁷ Andrew Prokop, "The Long-Awaited Inspector General Report on the FBI, Comey, Clinton, and 2016, Explained," *Vox*, June 14, 2018, <https://www.vox.com/2018/6/14/17448960/inspector-general-report-justice-fbi-clinton-emails-comey>; and Carrie Johnson, "Justice Watchdog Will Lead Probe Requested by Trump," *NPR*, May 22, 2018, <https://www.npr.org/2018/05/22/613254328/justice-watchdog-will-lead-probe-requested-by-trump>.

²⁷⁸ Victoria Bassetti, "Trump-Russia Investigations," *Brennan Center for Justice* (blog), September 29, 2018, <https://www.brennancenter.org/blog/trump-russia-investigations>.

Court nominee Brett Kavanaugh were the objects of partisanship. Critics have argued that these instances provide additional evidence of democratic erosion.²⁷⁹

1. Special Counsel Probe

An independent and free election system is one element that scholars point to as a democratic procedural minimum. Concerns raised regarding Russia's potential interference in the 2016 presidential elections resulted in a counterintelligence investigation by the FBI into the actions of the Trump campaign.²⁸⁰ The case studies in Chapter II did not demonstrate evidence of outside countries coordinating to undermine an election, but they demonstrated how elections could be used to consolidate power and assume it illegitimately.

The FBI launched the special counsel investigation following a cyber-attack on the Democratic National Committee's email servers, which led to the publication of emails by Wikileaks.²⁸¹ The publication led to suspicions that the Trump campaign had a role in the leak and was engaged with Russia to undermine the U.S. elections.²⁸² DOJ Deputy Attorney General Rod Rosenstein appointed former FBI Director Robert Mueller as special counsel to investigate Russian interference in the 2016 election and collusion between Russians and members of the Trump administration.²⁸³

²⁷⁹ David Jackson, "Donald Trump Revokes Former CIA Director John Brennan's Security Clearance," *USA Today*, August 15, 2018, <https://www.usatoday.com/story/news/politics/2018/08/15/donald-trump-revokes-john-brennans-security-clearance/999340002/>.

²⁸⁰ Matt Apuzzo, Adam Goldman, and Nicholas Fandos, "Code Name Crossfire Hurricane: The Secret Origins of the Trump Investigation," *New York Times*, May 16, 2018, <https://www.nytimes.com/2018/05/16/us/politics/crossfire-hurricane-trump-russia-fbi-mueller-investigation.html>.

²⁸¹ Apuzzo, Goldman, and Fandos, "Code Name Crossfire Hurricane."

²⁸² Sharon LaFraniere, Mark Mazzetti, and Matt Apuzzo, "How the Russia Inquiry Began: A Campaign Aide, Drinks and Talk of Political Dirt," *New York Times*, January 1, 2018, <https://www.nytimes.com/2017/12/30/us/politics/how-fbi-russia-investigation-began-george-papadopoulos.html>.

²⁸³ LaFraniere, Mazzetti, and Apuzzo, "How the Russia Inquiry Began"; and Phillip Bump, "A (So Far) Complete Timeline of the Investigation into Trump and Russia," *Washington Post*, April 24, 2018, <https://www.washingtonpost.com/news/politics/wp/2018/02/05/a-so-far-complete-timeline-of-the-investigation-into-trump-and-russia/>.

In January 2017, FBI Director Comey informed the president that he was not the subject of the ongoing investigation, but speculation continues.²⁸⁴ As of the writing of this thesis, fundamental questions about alleged coordination between the Trump campaign and Russia have not yet been answered, as the special counsel's investigation is not complete. On July 13, 2018, Rosenstein announced the indictment of 12 Russian intelligence officers for 11 different violations related to money laundering, conspiracy, and hacking of government databases.²⁸⁵ American citizens connected with the Trump campaign, including General Michael Flynn, Paul Manafort, Rick Gates, and George Papadopoulos, have also been indicted by the special counsel though none of these indictments are related to alleged criminal violations by the president or his campaign.²⁸⁶ Additionally, the first two congressmen to endorse Donald Trump's candidacy for president have been indicted on charges of insider trading.²⁸⁷ It remains to be seen what additional indictments may result from the special counsel's investigation and whether any are linked to the president.

2. Inspector General (IG) Investigation

President Trump began delegitimizing Hillary Clinton during the presidential campaign, accusing her of committing crimes associated with national security.²⁸⁸ Some Americans were, and remain, concerned about the validity of these allegations while others pointed to the president's verbal attacks as evidence of democratic erosion.²⁸⁹ Among the case study countries, Fujimori, Orbán, and Hitler delegitimized opponents and others as

²⁸⁴ Bump, "Complete Timeline of the Investigation."

²⁸⁵ Eileen Sullivan and Katie Benner, "12 Russian Agents Indicted in Mueller Investigation," *New York Times*, July 13, 2018, <https://www.nytimes.com/2018/07/13/us/politics/mueller-indictment-russian-intelligence-hacking.html>.

²⁸⁶ Brennan Weiss, Ellen Cranley, and Bryan Logan, "Here's Everyone Who Has Been Charged and Convicted in Mueller's Russia Probe So Far," *Business Insider*, November 13, 2018, <https://www.businessinsider.com/who-has-been-charged-in-russia-investigation-mueller-trump-2017-12>.

²⁸⁷ Doha Madani and Amanda Terkel, "The First 2 Congressmen to Endorse Trump Have Been Indicted," *Huffington Post*, August 21, 2018, https://www.huffingtonpost.com/entry/trump-duncan-hunter-chris-collins-indictments_us_5b7caf60e4b07295150dd6cb.

²⁸⁸ Levitsky and Ziblatt, *How Democracies Die*, 62.

²⁸⁹ Levitsky and Ziblatt, 62.

part of a process to consolidate power. It is alleged that President Trump’s attacks on institutions and those who oppose him are likewise evidence of democratic erosion.²⁹⁰

In June 2018, Inspector General (IG) Michael Horowitz released the long-anticipated findings of his investigation into the actions of the FBI and the DOJ’s handling of the Clinton investigation in advance of the 2016 presidential election.²⁹¹ The investigative report reviewed the actions of the FBI and DOJ specifically related to Clinton’s alleged violations of U.S. national security regulations.²⁹² The most significant concerns involve the FBI leadership’s actions in handling the Clinton investigation as well as text messages that suggest the abuse of power among DOJ and FBI leaders to ensure Donald Trump was not elected president.²⁹³

It remains unclear at this time whether President Trump’s allegations of national security violations by Hillary Clinton are valid. The IG’s report concludes that at a minimum, there is “a cloud over the FBI’s handling of the Midyear investigation and the investigation’s credibility.”²⁹⁴ The report also found that the text messages between DOJ employees Peter Strozak and Lisa Page

brought discredit to themselves, sowed doubt about the FBI’s handling of the investigation, and impacted the reputation of the FBI. . . . Moreover, the damage caused by their actions extends far beyond the scope of the Midyear investigation and goes to the heart of the FBI’s reputation for neutral fact finding and political independence.²⁹⁵

The IG’s report continues to be a topic of debate and analysis even though its findings regarding the actions and behaviors of senior DOJ and FBI personnel offer some reason for concern about democratic erosion.²⁹⁶

²⁹⁰ Parker, “‘Totally Dishonest’”; and Levitsky and Ziblatt, *How Democracies Die*, 199.

²⁹¹ Department of Justice, *Review of Various Actions by the Federal Bureau of Investigation*, xi–xii.

²⁹² “The Report on the F.B.I.’s Clinton Investigation Is 500 Pages. Our Experts Broke It Down,” *New York Times*, June 14, 2018, <https://www.nytimes.com/2018/06/14/us/politics/comey-clinton-fbi-report.html>.

²⁹³ Department of Justice, *Review of Various Actions by the Federal Bureau of Investigation*, xi–xii.

²⁹⁴ Department of Justice, iii.

²⁹⁵ Department of Justice, xi.

²⁹⁶ Department of Justice, 1–21.

3. House Intelligence Committee Investigation

President Trump has also delegitimized the intelligence community and the DOJ, some of America's most respected and revered institutions.²⁹⁷ The president has accused the upper leadership of the DOJ and FBI of abuse of power and a lack of cooperation with Congress.²⁹⁸ Concerns about abuse of power within these organizations led the Congressional House Intelligence Committee to take action.²⁹⁹ Devin Nunes (R-CA), chairman of the House Intelligence Committee, released a memo with findings of abuses within the DOJ and FBI related to the FISA warrant used for the so-called Trump collusion investigation—although Adam Schiff (CA), ranking Democrat on the House Intelligence Committee, has debated the findings.³⁰⁰

The most significant finding in the Nunes memo relates to the FISA warrant as it raises questions of abuse of power and violations of the law by FBI and DOJ employees.³⁰¹ It alleges that the basis for issuing and continuing to re-issue the FISA warrant was Christopher Steele's dossier. Though the dossier's validity has been debated by committee members along party lines, the House Intelligence Committee and many journalists, including Bob Woodward, have largely concluded the dossier is unreliable and unverified.³⁰² The questions that led to the House Intelligence Committee's investigation have not conclusively answered key questions about whether employees of the FBI or DOJ

²⁹⁷ Levitsky and Ziblatt, *How Democracies Die*, 176–203; Mara Liasson, “President Trump Attacks Credibility of FBI, DOJ after Watchdog Report,” NPR, June 14, 2018, <https://www.npr.org/2018/06/14/620103344/president-trump-attacks-credibility-of-fbi-doj-after-watchdog-report>; “Trump Says He Will ‘Demand’ DOJ to Investigate Whether FBI Infiltrated Campaign,” PBS, May 21, 2018, <https://www.pbs.org/newshour/politics/trump-says-he-will-demand-doj-to-investigate-whether-fbi-infiltrated-campaign>; and Sonam Sheth, “Trump Blasts FBI, DOJ for Failing to Respond to Republican Subpoena,” *Business Insider*, April 7, 2018, <https://www.businessinsider.com/trump-fbi-doj-republican-subpoena-response-2018-4>.

²⁹⁸ Liasson, “President Trump Attacks Credibility of FBI”; PBS, “Trump Says He Will ‘Demand’ DOJ to Investigate”; and Sheth, “Trump Blasts FBI, DOJ.”

²⁹⁹ “Nunes Memo on FBI Surveillance,” Politico, February 2, 2018, <http://politi.co/2nDrVaW>.

³⁰⁰ Politico, “Nunes Memo on FBI Surveillance”; and Jamie Duchmarme, “Adam Schiff’s Memo Has Been Released. Here’s What It Says,” *Time*, February 24, 2018, <http://time.com/5138089/donald-trump-adam-schiff-memo/>.

³⁰¹ Politico, “Nunes Memo on FBI Surveillance”; and Gregg Jarrett, *Russia Hoax: The Illicit Scheme to Clear Hillary Clinton and Frame Donald Trump* (New York: Harper Collins, 2018), 119–138.

³⁰² Politico, “Nunes Memo on FBI Surveillance”; Duchmarme, “Adam Schiff’s Memo Has Been Released”; and Jarrett, *Russia Hoax*, 128–129.

violated the law or abused their positions for political reasons. These questions continue to be debated.³⁰³ These questions are critical because, if they are answered in the affirmative, illegal acts and abuse of power by FBI or DOJ employees would diminish the public perception of those agencies and weaken their role as a check and balance against misuse of executive power, a constitutional underpinning of American democracy. The answers might also reveal whether government employees engaged in actions that were designed to unseat a duly elected president.

4. Revocation of Security Clearances

On August 15, 2018, President Trump revoked the security clearance of former CIA director John Brennan and threatened to revoke the security clearances of others.³⁰⁴ Critics of the president accused him of silencing his opponents and limiting free speech as Brennan has been one of President Trump's most vocal and continuous critics.³⁰⁵ As described by the *New York Times*,

Citing what he called Mr. Brennan's "erratic" behavior and "increasingly frenzied commentary," Mr. Trump dispatched Sarah Huckabee Sanders, his press secretary, to read a statement saying that Mr. Brennan had abused his access to the United States' secrets "to make a series of unfounded and outrageous allegations."³⁰⁶

Some have alleged that former CIA director Brennan, a known Clinton supporter, was the source of many of the leaks associated with Christopher Steele's dossier and was motivated by his political affiliations.³⁰⁷

³⁰³ Ken Dilanian, "Why Trump Is Wrong about Carter Page, the Dossier and the FISA Warrant," NBC News, July 23, 2018, <https://www.nbcnews.com/news/crime-courts/why-team-trump-wrong-about-carter-page-dossier-secret-warrant-n893666>; and Jarrett, *Russia Hoax*, 119–138.

³⁰⁴ Jackson, "Donald Trump Revokes Clearance."

³⁰⁵ Jackson.

³⁰⁶ Julie Hirschfeld Davis and Michael D. Shear, "Trump Revokes Ex-C.I.A. Director John Brennan's Security Clearance," *New York Times*, October 3, 2018, <https://www.nytimes.com/2018/08/15/us/politics/john-brennan-security-clearance.html>.

³⁰⁷ Lee Smith, "Brennan, the Russian Dossier and Obama's Grand Political Strategy," *Weekly Standard*, January 19, 2017, <https://www.weeklystandard.com/lee-smith/brennan-the-russian-dossier-and-obamas-grand-political-strategy>; and Jarrett, *Russia Hoax*, 128–129.

Traditionally, the practice of maintaining security clearances for former top officials is based on the idea that those officials, because of their knowledge and experience, provide benefits to the sitting president.³⁰⁸ Though the clearances must be reviewed and renewed every five years and are not automatic, the revocation of Brennan's security clearance is arguably unusual and a departure from past practice.³⁰⁹ The president cited the following reason:

Questions about the practice of former officials maintaining access to our nation's sensitive secrets long after their time in government has ended. . . . Such access is particularly inappropriate when former officials have transitioned into highly partisan positions and seek to use real or perceived access to sensitive information to validate their political attacks.³¹⁰

Critics of the president see these actions as evidence of authoritarianism while others, such as author and legal expert Gregg Jarrett, suggest that Brennan's actions have demonstrated he cannot be trusted with classified information on the basis of using intelligence for the purposes of political exploitation.³¹¹

5. Supreme Court Nomination Process

Supreme Court nominee Brett Kavanaugh was confirmed and sworn into office as the 114th justice, but the nomination and confirmation process was politically divisive and controversial.³¹² Even before President Trump announced his choice for the position

³⁰⁸ Kyle Balluck, "Trump Revokes Brennan's Security Clearance," *The Hill*, August 15, 2018, <https://thehill.com/homenews/administration/401989-trump-revokes-brennans-security-clearance>.

³⁰⁹ Balluck.

³¹⁰ Balluck.

³¹¹ Gregg Jarrett, "Ex-CIA Director Brennan Shouldn't Have a Security Clearance—He's a National Security Risk," Fox News, August 16, 2018, <https://www.foxnews.com/opinion/gregg-jarrett-ex-cia-director-brennan-shouldnt-have-a-security-clearance-hes-a-national-security-risk>; Jarrett, *Russia Hoax*, 119–125; and Lee Smith, "News of the News: How CIA Director John Brennan Targeted the FBI with Russiagate," *Tablet*, February 9, 2018, <https://www.tabletmag.com/jewish-news-and-politics/255020/how-cia-director-john-brennan-targeted-james-comey>.

³¹² Lawrence Hurley and Andrew Chung, "Kavanaugh Likely to Be Pivotal U.S. High Court Vote on Divisive Social Issues," Reuters, October 6, 2018, <https://www.reuters.com/article/us-usa-court-kavanaugh-cases/kavanaugh-likely-to-be-pivotal-u-s-high-court-vote-on-divisive-social-issues-idUSKCN1MG0AC>; and Alan Fram and Lisa Mascaro, "Brett Kavanaugh Sworn in as 114th Supreme Court Justice in Private Ceremony at Court," *Denver Post*, October 6, 2018. <https://www.denverpost.com/2018/10/06/brett-kavanaugh-sworn-in-supreme-court-justice/>.

vacated by the retirement of Justice Kennedy, Democrats and resistance groups had announced their opposition to anyone the president nominated.³¹³ During the confirmation process, Senator Diane Feinstein (D-CA) received information related to allegations of sexual misconduct by the nominee and forwarded the allegations to the FBI.³¹⁴ Senator Feinstein was accused of delaying the release of the allegations against Kavanaugh for political purposes.³¹⁵ Senator Feinstein and the attorneys of the accuser, Christine Blasey Ford, are now facing an ethics probe regarding their handling of Ford's allegations.³¹⁶

Critics of the Kavanaugh nomination have suggested that the nominee is unfit for the Supreme Court not only for the sexual abuse allegations but also for alleged partisanship and the inability to be neutral.³¹⁷ With supporters and critics aligning along party and ideological lines, the confirmation process pitted Kavanaugh's presumed innocence against his presumed guilt.³¹⁸ The nomination process substantiates the deep polarization that currently exists in the United States

³¹³ Alexandra Desantis, "Brett Kavanaugh: Democrats Have Been Gunning for Him from the Start," *National Review*, September 29, 2018, <https://www.nationalreview.com/2018/09/the-democrats-have-always-wanted-to-destroy-kavanaugh/>.

³¹⁴ Nicholas Fandos and Catie Edmondson, "Dianne Feinstein Refers a Kavanaugh Matter to Federal Investigators," *New York Times*, September 14, 2018, <https://www.nytimes.com/2018/09/13/us/politics/brett-kavanaugh-dianne-feinstein.html>.

³¹⁵ Kevin Breuninger, "GOP Slams Dianne Feinstein's Timing on Sex Assault Allegation against Kavanaugh," *CNBC*, September 17, 2018, <https://www.cbc.com/2018/09/17/gop-slams-dianne-feinsteins-timing-in-response-to-sexual-assault-allegation-against-brett-kavanaugh.html>.

³¹⁶ Jacqueline Klimas, "Cotton: Feinstein to Be Investigated over Leaked Letter from Ford," *Politico*, September 30, 2018, <https://politi.co/2Qhdjuz>; and Sean Sullivan, "Dianne Feinstein under Scrutiny for Handling of Allegations against Brett Kavanaugh," *Mercury News* (blog), September 19, 2018, <https://www.mercurynews.com/2018/09/19/feinstein-under-scrutiny-for-handling-of-allegations-against-kavanaugh-3/>.

³¹⁷ Matt Kwong, "Brett Kavanaugh Exposed His Political Grudges—Now Faith in a Neutral Supreme Court May Be Lost for Decades," *CBC News*, September 29, 2018, <https://www.cbc.ca/news/world/brett-kavanaugh-political-bias-judge-supreme-court-faith-1.4843788>.

³¹⁸ Lily Rothman, "The Meaning of 'Presumed Innocent' Has Evolved: Here's How the Kavanaugh Hearings Fit into That History," *Time*, October 5, 2018, <http://time.com/5417005/presumption-of-innocence-history/>.

6. Summary

The election of President Trump and the initial years of his presidency have been highly controversial and divisive.³¹⁹ The current political environment and some of the actions taken by the president have been offered as proof of democratic erosion and a constitutional crisis.³²⁰ Although facts related to the election of Donald Trump continue to emerge as a result of investigations by the DOJ and Congress, divisive rhetoric and debate challenge the ability of Americans to discern the truth and serve only to incite discord in the United States.

B. TIPPING POINTS

The environment of divisiveness dictates the need for thorough and timely investigations with findings disclosed to the American public. In the context of such debate, rigorous, non-partisan analysis is essential in taming tribalism and pointing public discourse toward the truth. This section assesses the current U.S. situation using Mayring's sequential model of qualitative content analysis to examine each tipping point and determine whether current events expose actions—by the president or others—that are eroding democratic principles in the United States.

1. Economic Inequality

While the Republican and Democrat Parties have long used economic inequality as a matter of political debate, there is little evidence that the existence of economic inequality in the United States has led or is currently leading to the kind of democratic erosion experienced by Peru, Hungary, or Germany before WWII. One accusation made against the current president is that his economic policies are hurting the very people he campaigned to support and assist.³²¹ Those accusers argue specifically that farmers and

³¹⁹ Carey et al., “Searching for a Bright Line,” 9–22.

³²⁰ Parker, “‘Totally Dishonest’”; and Levitsky and Ziblatt, *How Democracies Die*, 199.

³²¹ Coral Davenport, “How Trump’s Economic Policies Are Hurting the People He Promised to Protect,” *Independent*, July 5, 2018, <https://www.independent.co.uk/news/world/americas/trump-economic-policies-consequences-protectionism-industry-a8432191.html>.

other laborers will experience economic hardship following the president's trade reform.³²² But not all economists agree.³²³ In December 2017, the president signed the Tax Cut and Jobs Act of 2017, and it was supported largely along party lines.³²⁴ By the end of 2017, the unemployment rate had dropped to 4.1 percent; by the end of the second quarter of 2018, over two million jobs had been added to the U.S. market, and inflation was at 2.9 percent.³²⁵ According to a study by CNBC, mining and logging have experienced the greatest growth in employment, followed closely by the construction industry, and then transportation and warehousing—economists note that the U.S. economy is experiencing the second longest economic expansion in its history.³²⁶

The president has also taken action on several trade-related agreements, most notably the TransPacific Partnership (TPP) and the North American Free Trade Agreement (NAFTA).³²⁷ Some economists suggest a link between the president withdrawing from the TPP and NAFTA agreements and gross domestic product (GDP) growth, though it is

³²² Davenport, "Hurting the People He Promised to Protect"; and Robert E. Scott and Jeffrey J. Schott, "Are Trade Agreements Good for Americans?," *New York Times*, March 17, 2016, <https://www.nytimes.com/roomfordebate/2016/03/17/are-trade-agreements-good-for-americans>.

³²³ Scott and Schott, "Are Trade Agreements Good for Americans?"

³²⁴ Jordan Waxman, "I'm a Financial Adviser Managing \$2.5 Billion—Here Are the 7 Most Important Things I Can Tell You about How Tax Reform Will Affect You," *Business Insider*, January 8, 2018, <https://www.businessinsider.com/how-trump-tax-reform-will-affect-you-according-to-financial-advisor-2018-1>; Sarah Almkhatar et al., "How Each House Member Voted on the Tax Bill," *New York Times*, December 19, 2017, <https://www.nytimes.com/interactive/2017/12/19/us/politics/tax-bill-house-live-vote.html>; and Phil Mattingly et al., "Senate Approves GOP Tax Plan, House to Revote Wednesday," CNN, December 20, 2017, <https://www.cnn.com/2017/12/19/politics/republican-tax-plan-vote/index.html>.

³²⁵ Chuck DeVore, "Trump's Tax Cut Leads to Doubling of Job Growth in Low-Tax States vs. High-Tax," *Forbes*, June 15, 2018, <https://www.forbes.com/sites/chuckdevore/2018/06/15/trump-tax-cut-leads-to-doubling-of-job-growth-in-low-tax-states-vs-high-tax/>; Chuck Jones, "Trump's Economic Scorecard: One Year since Inauguration," *Forbes*, January 18, 2018, <https://www.forbes.com/sites/chuckjones/2018/01/18/trumps-economic-scorecard-one-year-post-inauguration/>; and "Labor Force Statistics from the Current Population Survey," United States Department of Labor, Bureau of Labor Statistics Data, September 1, 2018, <https://data.bls.gov/timeseries/LNS14000000>.

³²⁶ Thomas Franck, "This Chart Shows the Types of Jobs That Are Thriving under Trump," CNBC, June 1, 2018, <https://www.cnbc.com/2018/06/01-this-chart-shows-the-types-of-jobs-that-are-thriving-under-trump.html>; and Heather Long, "U.S. Economy Extends Its Hiring Spree, with a Better Than Expected 223,000 New Jobs in May," *Washington Post*, June 1, 2018, <https://www.washingtonpost.com/news/wonk/wp/2018/06/01/u-s-economy-continues-its-hiring-spree-and-is-projected-to-add-200000-jobs-in-may/>.

³²⁷ Ian Bremmer, "How 5 of the World's Biggest Trade Deals Have Fared in the Trump Era," *Time*, November 17, 2017, <http://time.com/5027654/donald-trump-trade-america-first/>.

perhaps too early to determine those impacts.³²⁸ On September 30, 2018, following a year of negotiations, the president signed an updated NAFTA agreement with Canada and Mexico.³²⁹ The agreement has been renamed and is now known as the United States–Mexico–Canada Agreement (USMCA).³³⁰ The agreement will be brought to Congress for review and approval within 60 days of its signing.³³¹ It is not fully known what the impacts of the new deal will be. As of the writing of this thesis, the GDP, a measurement of the health of the U.S. economy, had experienced growth of 4.1 percent in the second quarter of 2018, with some suggesting a projected annual GDP average not seen since 2005.³³²

Another claim leveled against the current administration is that the economic policies of the president result in increased poverty.³³³ Some argue that the policies have worsened the lives of the impoverished as wealth continues to shift from the poor to the wealthy, and previously existing safety nets are eroded.³³⁴ Others argue that these allegations are false and largely based on flawed data.³³⁵ Bruce D. Meyer and Nikolas Mittag in a study for the National Bureau of Economic Research, for example, concluded

³²⁸ Jordan Weissmann, “Does Donald Trump Have Any Right to Brag about the Economy? Narrowly Speaking, Yes,” *Slate*, July 27, 2018, <https://slate.com/business/2018/07/trump-is-bragging-about-the-united-states-gdp-growth.html>.

³²⁹ Heather Long, “U.S., Canada and Mexico Just Reached a Sweeping New NAFTA Deal. Here’s What’s in It,” *Washington Post*, October 1, 2018, <https://www.washingtonpost.com/business/2018/10/01/us-canada-mexico-just-reached-sweeping-new-nafta-deal-heres-whats-it/>.

³³⁰ Long.

³³¹ Chantal Da Silva, “NAFTA Replacement Deal Struck by U.S. and Canada: What You Need to Know,” *Newsweek*, October 1, 2018, <https://www.newsweek.com/us-canada-free-trade-deal-heres-everything-you-need-know-1146481>.

³³² Weissmann, “Does Donald Trump Have Any Right to Brag about the Economy?”

³³³ Stephanie Nebehay, “America’s Poor Becoming More Destitute under Trump: U.N. Expert,” *Reuters*, June 2, 2018, <https://www.reuters.com/article/us-usa-rights-un/americas-poor-becoming-more-destitute-under-trump-u-n-expert-idUSKCN1IY0C3>.

³³⁴ Nebehay.

³³⁵ Chuck DeVore, “UN Poverty Report Blasting Trump, US for ‘Hatred for the Poor’ Uses Data from Last Year of Obama’s Presidency,” *Fox News*, June 20, 2018, <http://www.foxnews.com/opinion/2018/06/20/un-poverty-report-blasting-trump-us-for-hatred-for-poor-uses-data-from-last-year-obama-s-presidency.html>.

that income data from poor households are significantly under-reported and, as a result, the positive effects of anti-poverty programs are understated.³³⁶

In the case study countries, democratic erosion occurred when national leaders used economic conditions as a justification to erode democratic procedural minimums. Those leaders used the conditions of economic inequality, phobias, and the perceived threat from outsiders to take actions such as rejecting or weakening the commitment to democratic rules, challenging the legitimacy of political opponents and institutions, tolerating violence, and reducing or eliminating civil liberties of opponents to consolidate power.³³⁷ The combination of these tipping points and subsequent actions resulted in the erosion of democracy in those countries.

To date, President Trump's economic policies have been implemented through the existing constitutional framework. In the case of tax reform, the president accomplished his policy objectives through the legislative process. The TPP, a trade agreement, was signed by President Obama on February 4, 2016, but had never been ratified by Congress. The recently approved USMCA is scheduled to go before Congress for ratification.³³⁸ In his first year, President Trump signed an executive order removing the United States from the TPP agreement. In his second year, the president has at times expressed interest in re-signing it.³³⁹ Though there is disagreement among national leadership as to the value of the TPP, the president's actions have not exceeded his executive authority.³⁴⁰

In a historical review of U.S. economic inequality, the literature finds that the United States has previously weathered difficult economic times and that economic inequality has long existed. The issue of economic inequality has been politicized by

³³⁶ Bruce D. Meyer and Nikolas Mittag, "Using Linked Survey and Administrative Data to Better Measure Income: Implications for Poverty, Program Effectiveness and Holes in the Safety Net" (working paper, National Bureau of Economic Research, October 2015), <https://www.nber.org/papers/w21676>.

³³⁷ Levitsky and Ziblatt, *How Democracies Die*, 53–71.

³³⁸ Da Silva, "NAFTA Replacement Deal."

³³⁹ Natasha Bach, "Trump Appears to Have Changed His Mind about TPP—Again," *Fortune*, April 18, 2018, <http://fortune.com/2018/04/18/trump-tpp-withdrawal-rejoin/>.

³⁴⁰ Caroline Mortimer, "Controversial TPP Deal Will Be Abandoned by Obama, White House Admits," *Independent*, November 13, 2016, <http://www.independent.co.uk/news/world/americas/tpp-deal-not-pass-congress-obama-admits-donald-trump-election-a7415061.html>.

previous national leaders, and though presidents have pushed the limits of their constitutional authority, there is no evidence that such actions have led to the erosion of democracy. Scholars recognize that some foreign leaders have leveraged economic inequality and taken actions that erode democratic procedural minimums.³⁴¹ For example, in Germany, Adolf Hitler leveraged the corruption and ineptitude under the Weimar Republic to consolidate power and erode democratic principles.³⁴² The corruption in Germany fostered economic inequality among the population, and Hitler was able to use this condition to rise to power rapidly.³⁴³ Germany's case illustrates how the leader, playing on the severity of economic conditions and inequality, can consolidate power, often with the consent of the people.³⁴⁴

President Trump campaigned on economic issues, including tax reform and employment by bringing factories and manufacturing back to the United States.³⁴⁵ The president blamed the previous administration for the loss of manufacturing jobs.³⁴⁶ Some experts disagree with the economic policy positions and actions of the Trump administration.³⁴⁷ In the case study countries, the leaders used economic inequality to consolidate power, eliminating the necessary checks and balances of democracy. To date, there is no evidence that President Trump has taken actions to achieve his economic policies to consolidate power.

³⁴¹ Levitsky and Ziblatt, *How Democracies Die*, 4–6.

³⁴² Epstein, *Nazi Germany*, 32–34.

³⁴³ Epstein, 14–19.

³⁴⁴ Levitsky and Ziblatt, *How Democracies Die*, 4–6.

³⁴⁵ Ronald Inglehart and Pippa Norris, “Trump, Brexit, and the Rise of Populism: Economic Have-Nots and Cultural Backlash” (working paper, Kennedy School of Government, 2016), 2, <https://www.hks.harvard.edu/publications/trump-brexit-and-rise-populism-economic-have-nots-and-cultural-backlash>; and “Trump’s Economic Promises,” BBC, November 9, 2016, <https://www.bbc.com/news/business-37921635>.

³⁴⁶ John Bowden, “Trump Blames ‘Bad Policies & Leadership’ for Manufacturing Losses since ‘Bush 1,’” *The Hill*, March 7, 2018, <https://thehill.com/homenews/administration/377116-trump-blames-bad-policies-leadership-for-manufacturing-losses-since>.

³⁴⁷ Ben Casselman and Jim Tankersley, “Feeling Good about the Economy? You’re Probably a Republican,” *New York Times*, June 17, 2018, <https://www.nytimes.com/2018/06/15/business/economy/survey-trump-economy.html>.

2. Phobias

As observed in the case studies of Peru, Hungary, and Germany, phobias—that manifest in fear and perceived risk—create a social condition that elected leaders can use to consolidate power and implement unilateral change; such conditions were used by the leaders of those countries to take actions that eroded democratic principles.³⁴⁸ Journalists, scholars, and others have pointed to President Trump’s focus on fear to erode civil liberties as an example of constitutional erosion.³⁴⁹ The president campaigned on the issue of immigration reform by proposing to increase enforcement of existing laws, restrict the entry of immigrants from specific Middle Eastern countries, and build a wall along the entire U.S.–Mexico border.³⁵⁰ The president has cited reasons of national security as the basis for these policy positions, but others have alleged he is playing on the fears of Americans.³⁵¹

President Trump has been accused of leveraging fears associated with violence and the loss of national identity. The MS13 gang, a violent criminal organization with roots in El Salvador, is one group cited by the president when arguing for immigration reform.³⁵²

³⁴⁸ Conaghan, *Fujimori’s Peru*, 10, 17–18; Human Rights Watch, “Hungary: Constitution Changes”; Lendvai, “The Most Dangerous Man”; Epstein, *Nazi Germany*, 28; and Furmark. “Social Phobia: Overview.”

³⁴⁹ E. J. Montini, “Why MS-13 Is Trump’s Favorite Villain,” *USA Today*, July 5, 2018, <http://thehill.com/opinion/immigration/380637-a-year-of-fear-immigration-policy-under-trump>; Jennifer M. Chacón, “Immigration and the Bully Pulpit,” *Harvard Law Review Forum* 130, no. 7 (May 2017): 267; Lindsay Perez Huber, “‘Make America Great Again’: Donald Trump, Racist Nativism and the Virulent Adherence to White Supremacy amid US Demographic Change,” *Charleston Law Review* 10 (2016): 223; and Gallya Lahav and Marie Courtemanche, “The Ideological Effects of Framing Threat on Immigration and Civil Liberties,” *Political Behavior* 34, no. 3 (2012): 479.

³⁵⁰ Jessica Kwong, “What the Trump Administration Has Done to Restrict Immigration So Far, from Separating Families to H-1B Visas,” *Newsweek*, July 7, 2018, <https://www.newsweek.com/donald-trump-immigration-policy-h-1b-visa-978219>.

³⁵¹ Michael D. Shear and Ron Nixon, “New Trump Deportation Rules Allow Far More Expulsions,” *New York Times*, February 21, 2017, <https://www.nytimes.com/2017/02/21/us/politics/dhs-immigration-trump.html>; Chacón, “Immigration and the Bully Pulpit,” 244, 267; Anna Maria Mayda and Giovanni Peri, “The Economic Impact of US Immigration Policies in the Age of Trump,” in *Economics and Policy in the Age of Trump* (London: CEPR Press, 2017), 74; and Huber, “Racist Nativism and the Virulent Adherence to White Supremacy,” 227–229.

³⁵² Matt Ford, “Trump’s Fear-Mongering about MS-13 Is Working,” *New Republic*, July 16, 2018, <https://newrepublic.com/minutes/149907/trumps-fear-mongering-ms-13-working>; and Stef W. Kight, “More Than Half of Trump Voters Worry MS-13 Will Target Their Family,” *Axios*, July 18, 2018, <https://www.axios.com/trump-voters-ms-13-fears-targeting-families-poll-d08a8ba8-823e-4158-8e24-fa2b7cbc9616.html>.

MS13 is guilty of “disturbing crimes” though some polls suggest that the president’s rhetoric is misleading and has influenced public opinion.³⁵³ The president has also been accused of using fear related to the loss of national identity and, some would argue, specifically targeted toward white Americans.³⁵⁴ Researchers Major, Blodorn, and Blascovich argue in their paper that President Trump’s election is tied to support from white Americans who fear the reality of minorities outnumbering them due to increased immigration.³⁵⁵ The authors link President Trump and his supporters to a racially motivated, anti-immigration policy, though “anti-immigration policy” is not defined.³⁵⁶

The USA Patriot Act has been used as a contemporary example of an administration using American fears to enact a policy. Fear of another terrorist attack resulted in legislation that has arguably eroded some democratic procedural minimums—though not through the unilateral action of a president.³⁵⁷ The FISA warrant process is an element of the Patriot Act and has been claimed as a specific example of eroding a democratic procedural minimum, violating the Fourth and 14th Amendments to the U.S. Constitution, which address the civil rights associated with search warrants and legal due process, respectively.³⁵⁸ As Daniel Malooly argues, even though some believe the application process to obtain a FISA warrant involves a “complex collection of procedures designed to give the appearance of protecting individual rights,” it really is a “rubber stamp” for these requests.³⁵⁹ Americans who are subject to a FISA warrant are not only unaware of

³⁵³ Ford, “Trump’s Fear-Mongering about MS-13 Is Working.”

³⁵⁴ Emma Green, “It Was Cultural Anxiety That Drove White, Working-Class Voters to Trump,” *Atlantic*, May 9, 2017, <https://www.theatlantic.com/politics/archive/2017/05/white-working-class-trump-cultural-anxiety/525771/>.

³⁵⁵ Brenda Major, Alison Blodorn, and Gregory Major Blascovich, “The Threat of Increasing Diversity: Why Many White Americans Support Trump in the 2016 Presidential Election,” *Group Processes & Intergroup Relations* 21, no. 6 (September 2018): 930, <https://doi.org/10.1177/1368430216677304>.

³⁵⁶ Major, Blodorn, and Blascovich, 937.

³⁵⁷ Daniel J. Malooly, “Physical Searches under FISA: A Constitutional Analysis,” *American Criminal Law Review* 35, no. 2 (1998): 415.

³⁵⁸ U.S. Const. amend. XIV; and Naomi Wolf, *The End of America: Letter of Warning to a Young Patriot* (White River Junction, VT: Chelsea Green, 2007), 81–88.

³⁵⁹ Malooly, “Physical Searches under FISA,” 415.

the warrant’s existence but also provided no legal mechanism to challenge either the information used to obtain the warrant or the legality of the warrant itself.³⁶⁰

3. Perceived Threat from Outsiders

Though the phrase “perceived threat from outsiders” is consistent with the definition of phobia, as the literature review has shown, it is a specific type of phobia that has frequently been used to justify exclusionary actions by leaders. For the purposes of this research, the notion of a perceived threat from outsiders is defined as the perception of a threat or risk associated with “exclusionary ethnic, historical, class, or religious conceptions of ‘the people’” that differentiate them from those outside the host nation.³⁶¹

One claim made against the president is that he has used the perceived threat from outsiders—immigrants—as a basis to erode democratic procedural minimums. Specifically, the president has been accused of using race, ethnicity, and the fear of other cultures as a basis to implement policies that violate constitutional law. During the 2016 presidential election, a platform issue for both candidates was the increasing challenges of immigration and border security. As noted by the U.S. Immigration and Customs Enforcement Agency, the purpose of border and immigration security is to ensure national security and public safety by protecting America from cross-border crime and illegal immigration.³⁶² In 2016, each presidential candidate offered a profoundly different approach to solving the U.S. immigration challenge, reflecting the division within the United States surrounding the issue.

According to a June 2018 Pew Research report, whereas Americans differ on solutions for the challenges associated with illegal immigration, 65 percent of Americans believe that immigrants are no more likely to commit a crime than U.S. citizens.³⁶³ Additionally, 71 percent believe that illegal immigrants are employed in jobs that most

³⁶⁰ Malooly, 415.

³⁶¹ Galston, Hunter, and Owen, *Anti-Pluralism*, loc. 455.

³⁶² “What We Do,” U.S. Immigration and Customs Enforcement, last modified January 3, 2018, <https://www.ice.gov/overview>.

³⁶³ “Shifting Public Views on Legal Immigration into the U.S.,” Pew Research Center, June 28, 2018, <http://www.people-press.org/2018/06/28/shifting-public-views-on-legal-immigration-into-the-u-s/>.

Americans do not want.³⁶⁴ The report also finds that while most Americans feel that immigrants pose no threat and strengthen the United States, they differ on solutions to the enforcement question.³⁶⁵

Those who opposed the election of Donald Trump suggested that his immigration policies were a reflection of racism from white Americans. In a 2001 study, Thomas C. Wilson found that American perceptions of the scope of economic and cultural threats from non-native Americans influence their policy preference.³⁶⁶ Of particular interest, Wilson found that these views are not associated with irrational prejudice but rather the perception of group threat, which suggests a rational reason for policy differences.³⁶⁷

Though the president has pursued an immigration and deportation policy that some have argued violates democratic procedural minimums and is based on a perceived threat from outsiders, to date no evidence suggests that President Trump has deviated from the U.S. Constitution—though he is clearly playing “hardball.”³⁶⁸ The president’s administration has participated in the judicial process for resolving policy that has been challenged and has complied with judicial rulings.³⁶⁹

C. CONCLUSION

This chapter has discussed the contemporary conditions of economic inequality, phobias, and the perceived threat from outsiders. The research has also found instances in which these conditions are linked—sometimes allegedly—to actions such as rejecting or weakening the commitment to democratic rules, curtailing civil liberties, tolerating violence, or challenging the legitimacy of political opponents and institutions. These are

³⁶⁴ Pew Research Center, “Shifting Public Views on Legal Immigration.”

³⁶⁵ Pew Research Center.

³⁶⁶ Thomas C. Wilson, “Americans’ Views on Immigration Policy: Testing the Role of Threatened Group Interests,” *Sociological Perspectives* 44, no. 4 (2001): 495–497, <https://doi.org/10.1525/sop.2001.44.4.485>.

³⁶⁷ Wilson, 496.

³⁶⁸ Dylan Matthews, “I Asked 8 Experts If We’re in a Constitutional Crisis. Here’s What They Said,” *Vox*, February 13, 2017. <https://www.vox.com/policy-and-politics/2017/2/13/14541974/constitutional-crisis-experts-unanimous>.

³⁶⁹ Matthews.

all actions that in the case study countries led to democratic erosion. However, scholars and authors still debate the existence of these conditions, the motivations behind the president's actions, and the alleged democratic erosion in the United States.

The research finds that President Trump's rhetoric and attacks against senior leaders of institutions such as the DOJ, FBI, and intelligence community are unquestionable.³⁷⁰ It is also clear from the research that the president has attacked the media, specifically naming certain media outlets and journalists.³⁷¹ Critics have suggested that the president's attacks on those who oppose him and his policies are based on his demand for loyalty, a trait found in authoritarian leaders, which lends weight to the argument of democratic erosion.³⁷² Supporters of the president argue that Trump is calling attention to institutions and individuals who are abusing their positions of authority and responsibility, and the president's demands for oversight and accountability are essential for democracy.³⁷³ At this time, it is unclear whether there is a basis for either claim.

The election of Donald Trump to the presidency in 2016 was unexpected and continues to be controversial and divisive in the United States.³⁷⁴ The 2016 presidential election and the current political environment have contributed to a series of investigations as well as legal challenges to the actions and policy choices of the Trump administration. Most of the investigations, which address issues of election manipulation, foreign government interference in U.S. elections, and government employee abuse of power, have not concluded. As a result, many important questions as to potential violations of law and constitutional procedures remain unanswered. The research confirms there are clear policy differences among the American electorate that contributed both to the election of President Trump as well as to the ongoing public debate and division.

³⁷⁰ Liasson, "President Trump Attacks Credibility of FBI"; PBS, "Trump Says He Will 'Demand' DOJ to Investigate"; and Sheth, "Trump Blasts FBI, DOJ."

³⁷¹ Parker, "Totally Dishonest."

³⁷² Levitsky and Ziblatt, *How Democracies Die*, 176–203.

³⁷³ Gregg Jarrett, *Russia Hoax*.

³⁷⁴ Carey et al., "Searching for a Bright Line," 9–22.

This research has found contemporary and historical examples in the United States in which phobias and the perceived threat from outsiders have been the basis for some level rejection of or the weak commitment to democratic rules; challenges to the legitimacy of political opponents and institutions; toleration of violence; and a willingness to reduce or eliminate civil liberties of opponents by the nation's leaders. These actions, when linked to the aforementioned conditions, have led to democratic erosion in the case study countries. While there is evidence in the United States of the tipping points of economic inequality, phobias, and the perceived threat from outsiders, it remains to be seen whether these are, or will be used, to erode American democracy.

IV. ANALYSIS, CONCLUSIONS, AND RECOMMENDATIONS

I believe there are more instances of the abridgment of the freedom of the people by the gradual and silent encroachment of those in power, than by violent and sudden usurpation.

—James Madison³⁷⁵

This thesis has analyzed conditions that became tipping points and triggered the erosion of democracy in the countries of Peru, Hungary, and pre–World War II Germany. This thesis examined the existence of these conditions in the United States and sought to determine whether they have been leveraged by current U.S. leadership to reject or weaken commitment to democratic rules by challenging the legitimacy of political opponents and institutions, tolerating violence, and reducing or eliminating the civil liberties of political opponents.

Many Americans are concerned that the United States is seeing the signs of slow internal erosion—as Presidents Lincoln and Madison had warned. The research confirms, however, that democratic erosion is not a sudden and rapid change, such as with a coup. Rather, democracies fail slowly as a result of the departure from democratic procedural minimums.

A. ANALYSIS AND CONCLUSIONS

This thesis presented three case studies—using Mayring’s sequential qualitative analysis method—of foreign democracies in which government leaders leveraged certain conditions to erode democratic procedural minimums. Using those findings and the same methodology, this thesis evaluated the current American democracy to answer the following research questions:

- What conditions trigger the erosion of democracy?
- How many of the conditions are present in the United States?

³⁷⁵ Scott Horton, “Madison on Gradual Encroachments against Freedom,” *Stream* (blog), January 8, 2008, <https://harpers.org/blog/2008/01/madison-on-gradual-encroachments-against-freedom/>.

- What is the severity of those conditions, and does the collection and severity indicate that the quality of democracy has reached a tipping point in the United States?

In each case study, unique circumstances contributed to each leader's ability to consolidate power, which then led or is leading to democratic erosion or collapse.

When Fujimori took office in 1990, Peru was suffering from inflation in excess of 7,600 percent, and national reserves were in the red \$900 million.³⁷⁶ Violence resulted in the loss of 69,280 lives between 1980 and 2000.³⁷⁷ Fujimori seized on a national sentiment of desperation to solve the crushing economic burden of his nation and eliminate the violence caused by the Shining Path and MRTA.³⁷⁸ He was granted extraordinary power and eventually made sweeping constitutional changes, further consolidating control and eroding democratic procedural minimums.³⁷⁹ Peruvians were initially willing to look beyond Fujimori's abuses because he had improved the economy and reduced violence, but when objections were raised regarding Fujimori's unconstitutional actions, it was too late. He had already consolidated power successfully.³⁸⁰ The literature review found that concerned Peruvians were ignored.³⁸¹ Evidence suggests the people's perception of Peru's situation left them accepting an outcome that relieved their burdens without considering how it was achieved. Peru's experience under Fujimori, however, serves as a reminder that the process is as important, if not more so, than the outcome it produces; it reinforces the value and need to maintain constitutional checks and balances on executive power. Had Peruvians insisted on constitutional conformance, it seems reasonable to conclude that Fujimori would have been less successful in his democratic abuses.

³⁷⁶ Ferrand, "The Other Side of the Story"; and Department of Justice, *Peru Human Rights*, 1.

³⁷⁷ Patrick Ball et al., "An Estimate of the Total Number of Victims Killed or Disappeared in the Armed Internal Conflict between 1980 and 2000" (Washington, DC: American Association for the Advancement of Science, August 28, 2003), 1–2.

³⁷⁸ Department of Justice, *Peru Human Rights*, 122; and Houle and Kenny, "The Political and Economic Consequences of Populist Rule," 1.

³⁷⁹ Seligson and Carrión, "Mass Support for Coups d'Etat in Peru," 58–82; and Taft-Morales, *Peru: Recovery from Crisis*, 14.

³⁸⁰ Conaghan, *Fujimori's Peru*; and Poole and Rénique. *Peru: Time of Fear*.

³⁸¹ Schmidt, "Delegative Democracy in Peru?," 102–121.

Viktor Orbán has focused his attention on Muslim refugees and immigrants, using the Treaty of Trianon as a basis for enacting policies and weaponizing Hungarian fears of the influx of Middle Eastern immigrants—perceived as an outsider threat.³⁸² The treaty left Hungarians suffering under Soviet rule and failed socialist economic policies, not to mention other abuses associated with the communist governance model.³⁸³ As a result, Hungary lost one-third of its territory overnight, causing extensive economic and cultural harm. It is argued that the impacts of the treaty continue to influence elections and national policy today and is a basis for Viktor Orbán’s re-elections; the evidence strongly supports this argument and serves as a warning to other democracies. Because of the fears associated with the Treaty of Trianon and its devastating impact on Hungarians, Orbán continues to consolidate power and erode democratic principles. Freedom House, in its 2018 annual assessment of the state of global democracies, notes Hungary’s continued downward trend as civil liberties and individual rights increasingly continue to wane.³⁸⁴ The Hungarian case study demonstrates that Orbán has effectively been given permission to consolidate power, which has eliminated democratic checks and balances. As he erodes democratic procedural minimums, he does so with majority support of his citizens. As with Peru, internal conditions have served as a pretext to erode democratic principles—the ends justify the means.

In Germany, Adolf Hitler was similarly able to leverage economic inequality, phobias, and the perceived threat from outsiders to consolidate power and grossly abuse democratic procedural minimums.³⁸⁵ The crushing economic penalties of the Treaty of Versailles created conditions in Germany that resulted in a population desperate for relief.³⁸⁶ At the end of World War I, Germans suffered low employment rates and short

³⁸² BBC, “Hungary’s Controversial Constitutional Changes”; and Institute for the History of the 1956 Hungarian Revolution, “Post-war Reconstruction.”

³⁸³ BBC, “Hungary’s Controversial Constitutional Changes.”

³⁸⁴ “Freedom in the World 2018: Hungary Profile,” Freedom House, accessed November 15, 2018, <https://freedomhouse.org/report/freedom-world/2018/hungary>.

³⁸⁵ Boissoneault. “The True Story of the Reichstag Fire.”

³⁸⁶ “Aftermath of World War I and the Rise of Nazism, 1918–1933,” United States Holocaust Memorial Museum, accessed July 28, 2018, <https://www.ushmm.org/learn/introduction-to-the-holocaust/path-to-nazi-genocide/chapter-1/aftermath-of-world-war-i-and-the-rise-of-nazism-1918-1933>.

food supplies.³⁸⁷ Severe inflation left many middle-class Germans with empty bank accounts and the German currency worthless.³⁸⁸ At the conclusion of World War I, French soldiers, who were black, occupied a portion of Germany, and many Germans perceived them as a threat to European society.³⁸⁹ Germans were also fearful of the rise of communism.³⁹⁰ Hitler leveraged these fears when the Reichstag fire occurred in early 1933 for passage of the Enabling Act, thereby consolidating power and beginning a rapid descent to dictatorship. As with the cases of Peru and Hungary, economic inequality, phobias, and the perceived threat from outsiders became a pretext to actions taken by Hitler that eroded—and eventually erased—democratic procedural minimums.

Each case study country manifested the conditions of economic inequality, phobias, and the perceived threat from outsiders. The leaders each rose to power in part because of the severity of these conditions and the population’s demands for resolution. Finally, each of the leaders then used the conditions to consolidate power at the expense of democratic principles. The evidence further suggests that the consolidation of power and democratic erosion was achieved in part by the consent of the people.

Using the findings from these case studies as an overlay on the United States affords insight and a lens through which to assess what has been occurring to determine whether there is a risk to American democracy. What is consistent in each of the case studies is the existence of the consolidation of power as a precursor to constitutional erosion. While the conditions of economic inequality, phobias, and the perceived threat from outsiders were used as a pretext to consolidation, erosion occurred when the leaders ceased to follow constitutional law, meaning pre-existing checks and balances were either removed or ignored. The case studies also exposed that the consolidation of power in each country did not occur in a vacuum but with the consent of other elected officials and the public at large.

³⁸⁷ Epstein, *Nazi Germany*, 11–14.

³⁸⁸ United States Holocaust Memorial Museum, “Aftermath of World War I.”

³⁸⁹ Epstein, *Nazi Germany*, 11–12.

³⁹⁰ United States Holocaust Memorial Museum, “Aftermath of World War I.”

This thesis found the existence of all three of the aforementioned conditions in the United States past and present, and though it did not find clear evidence of democratic erosion, there is cause for concern regarding American democracy. The research suggests that if the perceived significance of any or all of these conditions is severe enough and the public demands an outcome over process, the nation's leaders might be tempted to take some of the same power consolidation actions as those of Fujimori, Orbán, or Hitler.

The research found no evidence in the United States linking economic inequality to democratic erosion. It is clear that the United States has always experienced some level of economic inequality, but the research did not uncover instances in which this was linked to actions by the president or other leaders. What is significant in the case study findings is that economic inequality, when tied to phobias or perceived threats from outsiders, can be leveraged to consolidate power. In the case of Germany, Adolf Hitler linked economic challenges to fears of Jews and their role in “finance capitalism,” creating a “common enemy” that contributed to Hitler’s eventual consolidation of power.³⁹¹ Viktor Orbán has adopted a similar strategy, blaming refugees from the Middle East for the economic challenges faced in Hungary.³⁹² The democratic threat for the United States could lead to a similar scenario whereby a sitting president uses a targeted group to create a “common enemy” and links that group to economic inequality. If a president was able to link these conditions successfully, it might create an opportunity for the consolidation of power.

The research also found no clear evidence in the United States linking phobias to democratic erosion although critics of President Trump allege that this is occurring. The case studies demonstrate that this concern is not misplaced as phobias were used by other national leaders to erode democracy in their countries. But it is unclear from the research whether the current president is leveraging phobias to erode democratic principles or whether he is responding appropriately to actual threats and risks—these views continue

³⁹¹ Boissoneault, “The True Story of the Reichstag Fire”; and Epstein, *Nazi Germany*, 25.

³⁹² Lendvai, “The Most Dangerous Man.”

to be hotly debated.³⁹³ What is notable in the case study research is the existence of both real and perceived phobias and the linkage to subsequent actions of national leadership. In the case of Peru, the economic crisis and internal violence were real and not the creation of President Fujimori. In Germany, however, Hitler’s rhetoric—blaming Jews for many of Germany’s economic woes—was an inaccurate fabrication. In both cases, Fujimori and Hitler used the conditions to consolidate power and erode democratic principles. Whether phobias in the United States exist to the extent that some suggest and whether the president is misusing these fears continue to be argued. No evidence suggests such conditions have manifested as a constitutional crisis in the United States to date. Nevertheless, some scholars cite evidence that American fears are misaligned with the reality of actual threats and risks.³⁹⁴

Allowing fears—which may not be based in reality—to dictate policy choices lays the groundwork for the kind power consolidation seen in the case study countries. Clearly, the media contribute to the environment of phobias, but additional research is needed to better understand the role that the media play in creating fear that can be leveraged to consolidate power and erode democracy.³⁹⁵

Increasingly, technology is providing national leaders with new ways to communicate directly with the American public and influence policy. President Trump has successfully leveraged social media tools such as Twitter to influence the electorate.³⁹⁶ Authors and scholars have identified a specific strategy behind the method the president uses to communicate and the language he chooses. Some argue the president incorporates

³⁹³ Shear and Nixon, “New Trump Deportation Rules”; Chacón, “Immigration and the Bully Pulpit,” 244, 267; Mayda and Peri, “Immigration Policies in the Age of Trump,” 74; and Huber, “Racist Nativism and the Virulent Adherence to White Supremacy,” 227–229.

³⁹⁴ Glassner, *The Culture of Fear*.

³⁹⁵ Fallows, *Breaking the News*; and Glassner, *The Culture of Fear*.

³⁹⁶ Bastien Inzaurrealde, “This Linguist Studied the Way Trump Speaks for Two Years. Here’s What She Found,” *Washington Post*, July 7, 2017, <https://www.washingtonpost.com/news/the-fix/wp/2017/07/07/this-linguist-studied-the-way-trump-speaks-for-two-years-heres-what-she-found/>.

phobias into the values and ideas he promotes.³⁹⁷ As some authors note, all politicians are opportunists, and arguably, President Trump is acting in a similar fashion to previous presidents—using communication tools to promote specific policies.³⁹⁸ The case studies demonstrate that influence is open to abuse. If the president, or any other influential institution, manipulates fears, it can lead to democratic erosion. The case studies further reinforce the importance of vigilance in ensuring that all executive and legislative actions are carried out as articulated in the Constitution and the Bill of Rights in particular. When disagreements arise, the judicial branch of government is the ultimate arbiter.

Critics have also cited the president’s inflammatory rhetoric and delegitimization of opponents and institutions as evidence of erosion.³⁹⁹ The president has clearly engaged in such rhetoric. However, history demonstrates that Trump’s attacks are not unique to American politics. Arguably, the delegitimization of political opponents and institutions is an ingrained element of the political process, which ebbs and flows in ferocity and has existed since the inception of the republic.⁴⁰⁰ Scholars and journalists have observed that President Trump is not the first national leader to engage in hostile rhetoric, nor is his behavior the preferred strategy of solely one party, nor has such behavior previously translated into a constitutional crisis in the United States.⁴⁰¹ Some have suggested that Trump’s rhetoric has taken the United States to levels not previously experienced, but this, too, does not align with history.⁴⁰² In her dissertation on presidential communication,

³⁹⁷ Derek Thompson, “Donald Trump’s Language Is Reshaping American Politics,” *Atlantic*, February 15, 2018, <https://www.theatlantic.com/politics/archive/2018/02/donald-trumps-language-is-reshaping-american-politics/553349/>; Barbara J. King, “What Should We Make of Trump’s Speech Patterns—And Our Responses to Them?” NPR, September 14, 2017, <https://www.npr.org/sections/13.7/2017/09/14/550689593/what-should-we-make-of-trump-s-speech-patterns-and-our-responses-to-them>; and George Lakoff, “Understanding Trump’s Use of Language,” *George Lakoff* (blog), August 19, 2016, <https://georgelakoff.com/2016/08/19/understanding-trumps-use-of-language/>.

³⁹⁸ Anne C. Pluta, *The Evolution of Popular Presidential Communication* (Santa Barbara: University of California, 2013), 150–153.

³⁹⁹ Van der Linden, “Trump, Populism, Fascism, and the Road Ahead,” 355–65.

⁴⁰⁰ Rubino, “Political Insults in American Politics.”

⁴⁰¹ Rubino, “Political Insults in American Politics”; and Pluta, *The Evolution of Popular Presidential Communication*, 150–153.

⁴⁰² Rubino, “Political Insults in American Politics.”

doctoral student Anne C. Pluta concludes that presidents are all political opportunists who leverage technology and messaging to influence the public.⁴⁰³

The research also identified the existence of perceived threats from outsiders. The majority of criticism has alleged constitutional violations by the current president are related to his immigration policies, suggesting that immigrants and refugees are an outside threat to the United States.⁴⁰⁴ Though President Trump's rhetoric and leadership style have resulted in an atmosphere arguably more controversial than seen in previous administrations of the past 30 years, it is clear from the research that the United States has a long and controversial history related to immigration policy and that effective solutions have taken a back seat to political posturing.⁴⁰⁵ The president's immigration policy continues to be debated among the public and national leaders. Some believe the motivation for the president's policies are racist and lead to constitutional violations, but others contend the policies are based on national security interests.⁴⁰⁶ The research supports the contention that there can be legitimate reasons for differing views on immigration policy not based on racism or similar motives.⁴⁰⁷ The question of whether the president's immigration policies are evidence of democratic erosion has not been answered, but how those policies are implemented and how challenges to them are adjudicated are more

⁴⁰³ Pluta, *The Evolution of Popular Presidential Communication*, 150–153.

⁴⁰⁴ Muzzaffar Chishti and Sarah Pierce, "Republican and Democratic Party Platforms Reflect Parallel Universes on Immigration Policy," *Migration Policy*, July 27, 2016, <https://www.migrationpolicy.org/article/republican-and-democratic-party-platforms-reflect-parallel-universes-immigration-policy>.

⁴⁰⁵ Francis Wilkinson, "Why Trump Deports Fewer Immigrants Than Obama," *Bloomberg*, May 15, 2018, <https://www.bloomberg.com/view/articles/2018-05-15/trump-is-deporting-fewer-immigrants-than-obama-did>.

⁴⁰⁶ Van der Linden, "Trump, Populism, Fascism, and the Road Ahead," 355–65; Shear and Nixon, "New Trump Deportation Rules"; Chacón, "Immigration and the Bully Pulpit," 244, 267; Mayda and Peri, "Immigration Policies in the Age of Trump," 74; Huber, "Racist Nativism and the Virulent Adherence to White Supremacy," 227–229; and Wilson, "Americans' Views on Immigration Policy, 496.

⁴⁰⁷ Wilson, "Americans' Views on Immigration Policy, 496.

important.⁴⁰⁸ The research did not find evidence that the president has violated the constitutional limitations of the executive branch, nor has he violated existing checks and balances among the three branches of government.

Though there is a debate about the president's immigration policies, no clear evidence suggests they have resulted in democratic erosion. The threat to democracy may be found in the current climate of political division. This thesis did not explore polarization, yet the research regularly collided with this issue. Therefore, questions remain as to the existence and severity of polarization within the United States and its link, if any, to the conditions of economic inequality, phobias, and the perceived threat from outsiders and democratic erosion. Furthermore, it is unclear what link polarization may have to the rejection of or weak commitment to democratic rules, challenges to the legitimacy of political opponents and institutions, toleration of violence, or the willingness to reduce or eliminate civil liberties of opponents. Finally, it is also unclear what role the media or elected officials play in a polarized environment and its significance in democratic erosion.

Scholars express concern that extreme polarization creates fertile ground for those in power to leverage tipping points through populist or nationalist rhetoric, resulting in actions that erode constitutional protections and freedoms.⁴⁰⁹ Critics have cited President Trump's travel ban as one such recent example; they have argued that President Trump has leveraged phobias and perceived threats from outsiders as a basis to withhold constitutional protections.⁴¹⁰ The president stated that the basis of the travel bans had been national

⁴⁰⁸ Alana Abramson, "Most Americans Oppose Trump's Immigration Policies, Poll Finds," *Time*, July 6, 2018, <http://time.com/5332298/trump-immigration-policy-poll/>; Jacob Sugarman, "Majority of Republicans Support Trump's Immigration Policy, Poll Finds," *Truth Dig*, June 18, 2018, <https://www.truthdig.com/articles/majority-of-republicans-support-trumps-immigration-policy-poll/>; and Perry Bacon Jr., "What Is Really Behind Trump's Controversial Immigration Policies?," *Five Thirty Eight* (blog), June 19, 2018, <https://fivethirtyeight.com/features/what-is-really-behind-trumps-controversial-immigration-policies/>.

⁴⁰⁹ Levitsky and Ziblatt, *How Democracies Die*, 208–209; Matt Burgess, "How Polarization Kills Democracy and Truth," *Tête-à-Tête* (blog), January 27, 2017, <https://theteteatete.org/2017/01/26/how-polarization-kills-democracy-and-truth/>; and Sarah Binder, "How Political Polarization Creates Stalemate and Undermines Lawmaking," *Washington Post*, January 13, 2014, <https://www.washingtonpost.com/news/monkey-cage/wp/2014/01/13/how-political-polarization-creates-stalemate-and-undermines-lawmaking/>.

⁴¹⁰ Van der Linden. "Trump, Populism, Fascism, and the Road Ahead," 355–65.

security issues involving certain countries—Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen.⁴¹¹ Many Americans have deemed, and some courts ruled, that the travel bans were unconstitutional and the president had no such authority.⁴¹² A portion of President Trump’s revised travel ban was ultimately ruled constitutional by the U.S. Supreme Court, a reflection that the current system of checks and balances remains intact though there are Americans who disagree strongly with the decision.⁴¹³ It is clear that the conditions of phobias and the perceived threats from outsiders exist in the United States, but the research was unable to identify whether these conditions resulted in the erosion of democracy.

A review of American history provides evidence that phobias and the perceived threat from outsiders have been previously used to erode democratic procedural minimums, but the research also demonstrates that democracy did not decay as a result. In early 1942, after the bombing of Pearl Harbor, President Roosevelt executed Presidential Executive Order 9066, which created military zones and forcibly moved Japanese-Americans from their homes to newly created internment camps.⁴¹⁴ The stated basis was the “prevention of espionage” within the United States and for national security.⁴¹⁵ Japanese-Americans were not afforded due process rights, and—in addition to the loss of homes and businesses as well as warrantless searches and seizures—many lost their citizenship despite a U.S. government intelligence report delivered to President Roosevelt that the group possessed an extraordinarily high sense of loyalty to the United States.⁴¹⁶

⁴¹¹ Dara Lind, “Supreme Court Rules in Favor of Trump’s Travel Ban,” Vox, June 26, 2018, <https://www.vox.com/2018/6/26/17492410/travel-muslim-ban-supreme-court-ruling>.

⁴¹² Lind.

⁴¹³ Lind.

⁴¹⁴ “Japanese Internment Camps,” History, last modified August 21, 2018, <http://www.history.com/topics/world-war-ii/japanese-american-relocation>.

⁴¹⁵ History, “Japanese Internment Camps”; and Masato Ogawa, “Treatment of Japanese-American Internment during World War II in U.S. History Textbooks,” *International Journal of Social Education* 19, no. 1 (2004).

⁴¹⁶ Ogawa, “Treatment of Japanese-American Internment”; and History, “Japanese Internment Camps.”

In retrospect, it seems reasonable to conclude that the conditions of fear and the perceived threat from outsiders were used by the U.S. government to implement legislation that curtailed and eroded the civil liberties of Japanese-Americans. However, it is also apparent these actions did not result in democratic erosion. What is clearly absent in this situation, and the other historical U.S. examples analyzed, is a consolidation of power by the nation's leaders or a rejection of the existing checks and balances within American democracy. Though there have been executive and legislative actions that have corrupted democratic minimums at times, the U.S. system of governance remains strongly rooted in the separation of powers. To date, U.S. leaders have ascribed to the principles and processes found within the constitutional system of checks and balances. Princeton political scientist Keith Whittington notes that a crisis exists when the system fails, and that failure can be rooted in two fundamental causes: when division cannot be resolved within the existing democratic framework or when elected leadership fails or refuses to abide by democratic rules.⁴¹⁷ To date, there has not been evidence that either one of the conditions expressed by Whittington have occurred.

It is clear that President Trump's rhetoric is inflammatory, and he has made threats to refuse to abide by democratic rules—these are of significant concern. However, he has not followed through on those threats. To date, the democratic framework appears to be functioning though it is clear that the behavior of national leadership across all branches of government is straining the critical pillar that relies on elected leaders abiding by democratic rules and using the existing framework to resolve division. It seems reasonable to conclude that American democracy is strained as deep divisions within the United States provide little room for the legislative and executive branches to collaborate and compromise. The ability of U.S. leaders to find common ground on divisive issues is diminishing as each party becomes more entrenched. Though the nation has not yet navigated a constitutional crisis, the founders of American democracy were wise to warn against the internal threat of erosion such actions might cause.

⁴¹⁷ Keith E. Whittington, "The Coming Constitutional Crisis?," *Lawfare* (blog), July 21, 2017, <https://www.lawfareblog.com/coming-constitutional-crisis>.

The cases of Peru, Hungary, and Germany should serve as a warning to the United States as in each case the conditions of economic inequality, phobias, and perceived threats from outsiders became tipping points that leaders used to consolidate power and cause the subsequent erosion of democratic procedural minimums. While it remains unclear at the time of this writings whether these conditions could erode our democracy—or the current checks and balances suffice as an adequate defense—it is clear that the United States has not yet fallen victim to a constitutional crisis.

B. RECOMMENDATIONS

This thesis discovered no evidence of the conditions of economic inequality, phobias, or the perceived threat from outsiders being used as a condition to erode democracy although the United States is arguably in one of its most divisive periods in recent history. The framework of American democracy is most certainly being tested and strained. The conditions of economic inequality, phobias, and the perceived threat from outsiders exist and are being leveraged by both political parties and national leaders to influence the electorate. The case studies suggest that this can be a vulnerability. Scholars warn that the most prevalent form of democratic erosion is often slow, gradual, and barely perceptible. In this environment of vulnerabilities and electoral polarization, leaders can consolidate power and erode democracy. Therefore, this research advances several recommendations for shoring up the defenses of American democracy and navigating this difficult period.

- (1) Complete the current investigatory processes, and present the findings and recommendations to the American public.

A number of investigations are currently underway that are related to the 2016 presidential election. Congress and the president must set aside party, tribal, and ideological loyalties and ensure that these investigations are completed quickly, so questions that remain unanswered from the 2016 presidential election can be fully answered. Additionally, any crimes exposed must be fully prosecuted to reinstate America's confidence in the nation's law enforcement, intelligence, judicial, and

legislative organizations. It is critical to democracy that Americans are given a full accounting of the actions of their nation's leaders and officials related to the 2016 elections.

- (2) Expand the current staffers' boot camp to include incoming members of Congress.

Launched in 2015 by former congressional investigators Elise Bean and Justin Rood and hosted by the Project on Government Oversight, the staffers' boot camp provides successful congressional staff applicants with an opportunity to learn the value of working in a bipartisan environment and the skills associated with conducting investigations and generating congressional reports.⁴¹⁸ This popular two-week program has increasingly more applicants than vacancies but does not currently include members of Congress.⁴¹⁹ The program provides participants with the opportunity to solve fictitious but complex problems through the careful collection and analysis of facts.⁴²⁰ Its purpose is to strengthen bipartisanship and democracy by influencing the staff who serve members of Congress. Justin Rood notes, "We created this program because there are few places that have as much authority to investigate, with as little training."⁴²¹ This program should consider expanding to include a congressional element, providing newly elected officials an opportunity to build on the staffers' work and collaboratively legislate resolutions to issues that have been investigated and analyzed.

- (3) Produce an updated status report based on findings from the 2014 "Governing in a Polarized America" by the Bipartisan Policy Center.

In 2013, the Bipartisan Policy Center launched the Commission on Political Reform.⁴²² Its mission was to investigate both the causes and consequences of the nation's

⁴¹⁸ Tucker Higgins, "'Boot Camp' for Congress Staff Tries to Make America Bipartisan Again," CNBC, August 19, 2018, <https://www.cnbc.com/2018/08/17/boot-camp-for-congress-staff-tries-to-make-america-bipartisan-again.html>.

⁴¹⁹ Higgins.

⁴²⁰ Higgins.

⁴²¹ Higgins.

⁴²² Commission on Political Reform, *Governing in a Polarized America: A Bipartisan Blueprint to Strengthen Our Democracy* (Washington, DC: Bipartisan Policy Center, June 24, 2014), <https://bipartisanpolicy.org/library/governing-polarized-america-bipartisan-blueprint-strengthen-our-democracy/>.

increasing political divide.⁴²³ Its 2014 report recommends reforms in three key areas: the electoral process, the congressional legislative process, and the process of promoting American civic engagement. These key reforms translate into 24 specific recommendations.⁴²⁴ Though the Bipartisan Policy Center continues its excellent work, no information could be located regarding specific actions taken based on the findings of the 2014 report.⁴²⁵ As a result, it is difficult to determine which reforms have been addressed and the effect of those efforts.

- (4) Increase research in the effects of digital technology as a medium to provide news and information, and identify potential threats and vulnerabilities related to erosion of democracy.

In today's public discourse, there is a debate about the authenticity and accuracy of news reports, especially in the digital realm.⁴²⁶ Public confidence in the media and the accuracy of information that is reported is critical to a democracy. An independent and free press is considered by constitutional scholars a democratic procedural minimum; in other words, it is essential to democracy. The role a free and independent press plays in providing oversight and accountability to those who are stewards of the people's power and rights and contributing to an informed public who can effectively participate in the democratic process is vital. It remains unclear to what extent media bias exists and might be a danger to American democracy. Studies are increasingly demonstrating a link between digital news and a democratic threat, but the severity of this threat and the role of other media remain unclear.⁴²⁷

Because a profit model drives and influences choices made by the media, many Americans increasingly believe the information they receive is biased and often

⁴²³ Commission on Political Reform.

⁴²⁴ Commission on Political Reform.

⁴²⁵ Commission on Political Reform.

⁴²⁶ Fallows, *Breaking the News*.

⁴²⁷ Matthew Gentzkow, "Polarization in 2016" (class paper, Stanford University, 2016), 17–20, <https://web.stanford.edu/~gentzkow/research/PolarizationIn2016.pdf>.

hyperbolic.⁴²⁸ It is increasingly difficult to determine the validity of news due to the saturation of information from technology. Studies have also shown that the vast majority of influential news agencies reside along the major coastlines and, as a result, do not represent the views of the “flyover states.” While those in the media identify predominately with the Democratic Party, the impact of this alleged bias is unclear and debated.⁴²⁹

Critical to American democracy is the provision of accurate information to the public that informs and educates as well as media that provide oversight and accountability of those elected. When there is confidence in the information being distributed to the general public, creating a foundation in which ideological and political differences can be discussed openly and honestly, which leads to sound policy decisions, democracy is strongest.

C. OPPORTUNITIES FOR FUTURE RESEARCH

This thesis acknowledges the immensity of the work on democracy. There is a significant body of literature and research that analyzes democratic erosion despite its study being relatively new in the United States. This thesis focused on a single element of this broad field of study. Certain questions that arose could not be answered as they were outside the scope of this thesis, but they are important questions that contribute to the understanding of the state of American democracy.

Further research is needed to better understand the impacts of the rapidly changing technological landscape on journalism and voters.⁴³⁰ It is clear that a free and independent press plays a critical role in a democracy.⁴³¹ There is increasing concern about the role that digital technology plays in misinforming voters and harming democracy.⁴³² The information revolution has and continues to impact U.S. society and is outpacing its ability

⁴²⁸ “American Views: Trust, Media and Democracy,” Knight Foundation, January 16, 2018, <https://knightfoundation.org/reports/american-views-trust-media-and-democracy>.

⁴²⁹ Fallows, *Breaking the News*.

⁴³⁰ Knight Foundation, “American Views.”

⁴³¹ Linz and Stepan, *The Breakdown of Democratic Regimes*, 16–23.

⁴³² Maren Beaufort, “Digital Media, Political Polarization and Challenges to Democracy,” *Information, Communication & Society* 21, no. 7 (2018): 915–20, <https://doi.org/10.1080/1369118X.2018.1451909>.

to understand its consequences fully and generate effective solutions.⁴³³ More research is needed to understand how digital news may or may not be harming democratic governance.

Additional research is needed to identify what, if any, impacts market forces are having on accurate and contextual information reported by the media. The research suggests a causal link between the media and the narrative of fear, which does not provide a proper context to Americans.⁴³⁴ Some scholars argue that this causal link has a negative impact on democracy.⁴³⁵ Additional research is needed to confirm the existence or absence of a causal link between an industry that is increasingly driven by market forces and the effect on information accuracy.

This thesis focused on the actions of elected leaders who abandon and erode constitutional checks and balances and consolidate power but did not analyze the potential abuses of government employees and the possibility of them contributing to democratic erosion. In Peru, Montesinos, Fujimori's appointed head of intelligence services, abused his position; it was later proven he was responsible for killing innocent civilians.⁴³⁶ Montesinos was the power behind Fujimori, and his role raises the issue of the influence of non-elected government employees with respect to eroding democratic principles.⁴³⁷ Supporters of President Trump have expressed similar concerns about the IG's findings concerning the actions of FBI Agent Peter Stroz and FBI attorney Lisa Page. Those appointed to positions in government often wield great power but are not accountable to the public the same way that elected officials are. If those who are elected do not hold those appointed officials accountable, what prevents abuse of authority and erosion of democratic procedural minimums when abuses occur?

⁴³³ Vivek Wadhwa, "Laws and Ethics Can't Keep Pace with Technology," MIT Technology Review, April 15, 2014, <https://www.technologyreview.com/s/526401/laws-and-ethics-cant-keep-pace-with-technology/>.

⁴³⁴ Altheide, "The News Media," 664–665; and Fallows, *Breaking the News*, 6–8.

⁴³⁵ Altheide, "The News Media," 664–665; and Fallows, *Breaking the News*, 6–8.

⁴³⁶ Houle and Kenny, "The Political and Economic Consequences of Populist Rule," 1.

⁴³⁷ "CIA Gave at Least \$10 Million to Peru's Ex-Spymaster Montesinos," Center for Public Integrity, July 28, 2001, <https://www.publicintegrity.org/2001/07/28/3226/cia-gave-least-10-million-peru-ex-spymaster-montesinos>.

The framers of the U.S. Constitution were students of the human condition and were intimately aware that the tendency of those in power was to accumulate more power. Therefore, they endeavored to build a framework for governance that recognized those in power would pursue self-interest at the expense of the people.⁴³⁸ The framers believed deeply that those in government are stewards of the people's power and their rights to self-determination and liberty, but they also recognized governments historically abuse this responsibility.⁴³⁹ The case studies in this thesis support the fears that the framers identified and labored to incorporate protections against. In each case study, examples of how the rights of the people were abused were demonstrated, and the consequences of those actions examined. Pre-World War II Germany serves as an extreme example of the abuse of the people's power. In each case study, the national leader leveraged conditions to take actions that ultimately facilitated the consolidation of power and resulted in an erosion of democratic procedural minimums. These case study experiences should serve as a powerful warning about the ease with which democracy can erode and the consolidation of power can occur.

Though this thesis found evidence in the United States of similar conditions as leveraged by the leaders of Peru, Hungary, and Germany, to date there is no evidence that any U.S. president has used those conditions to consolidate power. It is critical that current investigations by the special counsel, the inspector general, and the House and Senate Intelligence Committees are completed. A full and transparent accounting to the American people is needed, so questions regarding alleged government and electoral abuse can be answered.

To date, the U.S. separation of powers and checks and balances have functioned as designed, and democracy has remained intact—though history has shown it has been tested and strained from time to time. Today, there is evidence of increasing partisan division within the United States, and research has demonstrated reasons for concern. While

⁴³⁸ Eric Lane and Michael Oreskes, *The Genius of America: How the Constitution Saved Our Country—and Why It Can Again* (New York: Bloomsbury, 2007), loc. 32–264 of 4153, Kindle.

⁴³⁹ Lane and Oreskes, loc. 72–103; and Mike Lee, *Our Lost Constitution: The Willful Subversion of America's Founding Document* (New York: Penguin, 2015), loc. 2755–2784 of 3819, Kindle.

disagreement is unavoidable, how the United States handles the differing viewpoints is critical.

Legal scholars advise that no government model is without conflict. There is a difference between political crisis and constitutional crisis, with calls of the latter overused by politicians today. Constitutional crises are found not in conflict but rather in system failure.⁴⁴⁰ If the ideological divide in the United States becomes so severe that there is no longer an ability or willingness to collaborate and compromise, the nation might find itself in a constitutional crisis. As John Dickinson noted in 1768, “A people is travelling fast to destruction, when individuals consider their interests as distinct from those of the public. Such notions are fatal to their country and themselves.”⁴⁴¹

⁴⁴⁰ Matthews, “I Asked 8 Experts If We’re in a Constitutional Crisis.”

⁴⁴¹ Uri Friedman, “America Isn’t Having a Constitutional Crisis,” *Atlantic*, May 11, 2017, <https://www.theatlantic.com/politics/archive/2017/05/constitutional-crisis-trump-comey/526089/>.

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