

# **AS LUCK WOULD HAVE IT: IMMIGRATION POLICY AND OPPORTUNISTIC BEHAVIOR IN U.S. BORDER BUREAUCRACIES**

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## **Introduction**

Although the citizens of a nation may prefer to think that government agencies are the neutral instruments of political power, where elected officials wield the decision-making authority and are directly responsible for policy outcomes while bureaucracies mostly implement their mandates, the literature on the autonomous behavior of bureaucracies has long established that government agencies are actors in their own right (Long, 1951). They in fact develop their own organizational interests, ideological preferences, and favored approaches to public issues, big and small, often well beyond those of their elected and appointed leaders. Holden (1966), for example, proposed that bureaucracies pursue and address themselves first and foremost to their vested interests regardless of whether these pursuits have an impact on the resolution of the problem they are charged to deal with. And they often engage in direct competition with other agencies for turf, influence, and resources (Kunioka and Rothenberg, 1993), and sometimes directly engage the policy making process to enhance these factors or advance their ideological predilections. Along those lines, in his 1969 essay “Conceptual Models and the Cuban Missile Crisis,” which he later turned into a book, *Essence of Decision: Explaining the Cuban Missile Crisis* (1971), Allison systematized three models to understand the purposive and even deviant behavior of government agencies. In these texts, Allison explains three major sources of bureaucratic behavior—first is the traditional rational action model, which he sets up as the straw man, and then the bureaucratic politics and organizational process models, both of which assume that bureaucracies are out for themselves.

The second and third proposed models take stabs at the patently falsifiable assumptions of the first model—the idea that bureaucracies are in effect mere instruments of policies which originate elsewhere. Later, in 1989, James Q. Wilson explored what bureaucracies do and why they do it, emphasizing that agencies cannot often be controlled because, as they grow and mature, they develop their own interests and defend them, even against their principals—such as the elected members of the executive or Congress and sometimes against the designs of their appointed masters. Clearly, bureaucracies and bureaucrats have choices—they can work, that is, follow the directions and wishes of their masters; they can shirk, that is, neglect their job in resistance, even if they feign obedience; or they can outright sabotage the designs of their chiefs and principals (Brehm and Gates, 1999). Also in 1989, Peters gave a comprehensive assessment of how bureaucracies shape policy by the power of implementation, a process where they combine their own political and policy interests. By 2004, Gormley and Balla explain the advantages that bureaucracies have over their political masters, as they concentrate institutional memory, deep expertise, and privileged information over their political masters. And in 2007, Payan explored the selective and often opportunistic behavior of bureaucracies in acquiring new missions, such as the war on drugs, to shape preferred policy tools and outcomes or enhance their status. Similarly, in a 2020 edited volume, Dupeyron, Noferini, and Payan further illustrate the way incumbent bureaucracies, specifically in border contexts, take advantage of external shocks to assert their interests in each policy field or advance into other policy fields, seeking to capture the governance units and exclude others from influence on issue governance as much as they can.

In general, over some seventy years, the literature exploring the role that bureaucracies play in setting policy, shaping political preferences, and even impeding certain public choices is extensive and continues to grow. The instances cited above are but a small sample of how the robust literature on the subject of bureaucratic behavior has advanced over time and enabled us to understand the strategic behavior of government agencies and how policy is often shaped by their own interests and preferences. Along this line of argument, this essay seeks to examine whether the bureaucracies in charge of immigration along the United States-Mexico border, specifically when it comes to the role of the border in controlling unauthorized

population flows, have sought 1) to define the problem in the direction of their preferred views of it; 2) to push for preferred instruments of policy such as the border wall as a useful tool to do their job; and 3) to shape policy by employing the kinds of facilitation, delay, or obstruction tools at their disposal in the direction of their definition of the problem, organizational interests, and preferred policy approaches. There is plenty of evidence that border agencies have become drivers of policy, and from their own rhetoric and behavior, it should be possible to discern their purposive actions on such an important and controversial policy issue as immigration on the southwest border. As there is little space here to examine all the agencies that might have influence over the policy space, this essay examines the behavior of the Border Patrol (BP), the agency most at the center of the border-centered immigration debate.

### **The Border Patrol and the Border Immigration Saga**

Immigration has always been controversial in the United States, among the public in general and among politicians, who have often used it as a political platform for their own interests (Thompson, 2018). Some of the earliest nativist movements in fact date back as far back as the 1820s. In the last three decades, since the 1990s, however, three issues have been conflated into a single problem, to the detriment of progress on immigration reform. At one level, authorized and unauthorized immigration are often treated as the same problem, and then sometimes bundled with xenophobic feelings that periodically burst into the public sphere. At another level, immigration has become closely associated with the country's borders, especially the U.S.-Mexico border (Payan, 2016; Hollifield, 2016). Linking these policy issues (authorized immigration, undocumented migrants, and border management) has prevented progress on legal immigration reform. It has also created a space of contention, where many different actors move quickly to shape policy according to their interests and preferences. The advent of Donald J. Trump to the Oval Office was one such case—he practically rode into the U.S. presidency on toxic rhetoric that treated legal and unauthorized migration and the border as a single policy problem. He understood the value of doing so as he roiled much of the American public for his political

profit—even when most Americans support additional immigration to the country (NIF, 2020). Consequently, nowhere have ambivalent feelings toward immigration played more intensely than at the U.S.-Mexico border, especially because that region has been and continues to be the staging area for much of the undocumented migration toward the United States. Moreover, over the last three decades the public debate on the border has been accompanied by an increasingly acrimonious rhetoric about the border itself as many politicians have managed to portray it as a lawless, chaotic, and uncontrolled space (Tancredo and Dougherty, 2006). Some academics have also contributed to placing the border in that light; *Patrolling Chaos* is an example (2004).

The result of all this is that there has been much confusion on the best ways to deal with these key policy issues and the United States government has reacted mostly by steadily growing the resources dedicated to stemming the flow of migrants across the borderline—especially undocumented immigrants (American Immigration Council [AIC], 2021), with a clear impact on legal and legitimate trade and travel. The border, some have argued, has become significant in the growth of the governmental apparatus dedicated to stem the flow of immigrants at the southwest boundary has been the Border Patrol (BP). Although the agency was created in 1924, and their initial mission was to prevent illegal entries between ports of entry, it never had the kind of resources that it acquired in the years since the mid-1990s and especially after the terrorist attacks of September 11, 2001 on New York and Washington, D.C. In 1994, under the leadership of Silvestre Reyes, the El Paso sector chief patrol agent, BP undertook a program titled “Operation Hold the Line,” by which agents were forwardly deployed to the borderline spaced along in a military-style operation that remade border enforcement (Dunn, 2009). Between 1994 and 2001, BP’s budget went from US\$400 million to US\$1.146 billion and from 2001 to 2021 it went from US\$1.146 billion to US\$4.869 billion. And between 2003 and 2019, BP’s workforce went from 10,700 to 19,600 (AIC, 2021). This kind of growth, necessarily, placed the agency not only in the middle of a thorny public policy issue but it also gave it added incentives to articulate its views and position vis-à-vis the problem of undocumented migration and the U.S.-Mexico border. BP went from a small agency, largely running around along the border to a huge bureaucracy with its own wellbeing at stake in the way the issue was conceived

and dealt with in Washington, D.C. BP had become a big player in the field, with the implication that it must now think about its own interests and not just those of the democratic public it purports to serve. Hence the necessity to look at how they interact with the issue they are charged to resolve.

The numbers are clear. Over the last nearly three decades since 1994, BP has expanded considerably, acquiring more resources and personnel and relying on a greater variety of methods and technological equipment to detect, detain, and deport undocumented migrants at the U.S.-Mexico border. In addition to the nearly 20,000 agents, BP has vehicles of all kinds, flood lights, heat and motion sensors, cameras and watchtowers connected to hi-tech control centers, manned and unmanned aerial vehicles, drones, and numerous kinds of physical barriers, including the controversial but ever-growing border wall of different dimensions depending on the stretch of the border. Additionally, BP agent training is increasingly militaristic, as are their uniforms and weapons (Lytle Hernández, 2010). Moreover, under a rhetorical stance that resembles the state of exception argument, they also enjoy increasing immunity regarding their operations and actions, as demonstrated by the judicial decision on qualified immunity in the Jesus Mesa Jr. case—where Mesa was exonerated of all responsibility after having shot and killed Sergio Adrián Hernández, a Mexican teenager across the borderline on the other wide of the river (U.S. Supreme Court, 2020). BP has become therefore a major policy actor, and not simply a smallish agency at the beck and call of its principals.

Given the central role that BP has taken as the premier agency dealing with undocumented migration issues at the southwest border, its organizational growth in the context of the controversial nature of undocumented immigration among the public and politicians, the positions and actions of the agency vis-à-vis this central role over the last quarter century give us an opportunity to examine how the BP has sought to define the problem of undocumented migration at the border in the public agenda, leveraged it to build itself up and grow, and pursued its preferred instruments in the matter. Because of the single focus of the agency and the vividness of the issue in the public mind, BP's maneuvering in the field of undocumented migration is a case that presents sufficient evidence to determine whether the agency has developed its own vision of undocumented immigration as a policy issue, and whether and how it has taken its central role as an opportunity to

shape the wishes of its principals—the political leadership and even its appointed leadership.

## **Methodology**

To examine whether the U.S. Border Patrol, currently located within Customs and Border Protection (CBP), has exhibited a penchant for pushing its organizational interests and its preferred methods of solving the issue of undocumented immigrants at the U.S.-Mexico border, this paper relies on a textual analysis methodology. It examines public statements made by the BP appointed leadership, the National Border Patrol Council (NBPC or BP agents union), as well as members of the rank and file, in relation to immigration and the U.S.-Mexico border, the nature of the public policy issue at hand, the potential solutions that should be pursued in dealing with it, and their own ways of dealing with the problems they are charged to help resolve. In reading such statements, much of the exercise will focus on the intentions and assumptions behind the written/spoken lines.

It would be impossible, however, to encompass the organizational behavior of the BP appointed leaders, union leaders, and rank and file members, during nearly thirty years and in relation to the evolving debates regarding the border and its multiple immigration issues. So, to focus this text, the analysis of BP's organizational behavior will be centered specifically on the border wall, a highly controversial but important way in which the U.S. government has sought to stem the flow of undocumented migrants—and an important piece of infrastructure with which BP has enormous interaction. Specifically, this essay will gather statements by the agency's leadership and rank regarding the border wall since 2006 —when congress passed the Secure Fence Act, authorizing the construction of some 700 miles or 1,135 kilometers of fencing on the U.S.-Mexico border. The border wall as such is older, as there were some portions of it already in place in the San Diego sector, but it was the first time that it was systematically legislated and funded by the U.S. government.

## Hypotheses

To guide the examination of the public statements of these three BP actors—the appointed leadership, the NBPC, and some members of the rank and file sufficiently representative of the overall BP membership—two competing hypotheses are set forth. On the one hand, it is possible that they might see the border wall as an additional or auxiliary tactical instrument at their disposal to carry out their job more effectively, in addition to other resources—despite evidence that it may not be as effective in stemming the flow of undocumented migrants (Dear, 2013; Jones, 2016). This would, for example, lead them to advocate for it to be built where they think it might make a difference and to argue that at some other point it may not be as useful. In other words, the first hypothesis would predict that their position is relatively nuanced when it comes to the border wall utility in the arsenal of their tools.

On the other hand, they may argue that it is necessary to do their job and to advocate for a wall that will cover the entire 2,000-mile border, with no considerations for the important differences in the terrain or the problem. They may in fact portray it as a substitute for the work of their agents, as vital to their performance, as a protection shield for their own, and necessary to increasing support for other instruments such as additional personnel or technology. In other words, they may portray the wall as a way to advance their vision of the problem and their preferred solution—a closing of the border with physical barriers for absolute and total control. In the process, they would make themselves not only protectors of the border but also protectors of the border wall. Both positions toward the border wall and relationship to their organization interests would be plausible. This is possible because there is very little a priori indication that the Border Patrol would be a firm advocate for the wall or a strong opponent of it. In fact, as we will see, there was initial hesitance regarding the border wall, and only over time did BP come to see physical barriers as vital to their mission.

Additionally, it is important to distinguish the positions of three different organizational layer actors situated directly in relation to the wall: political appointees, union leaders, and BP rank and file. It is entirely possible that the first group might be more in line with its principals (elected leadership) than the other two groups—union leaders and rank and file. The organization's leaders, after all, are named to follow the general vision of the elected politicians

who appointed them and their statements should reflect the policy established in Washington, D.C. At the same time, the other two groups are primarily on the ground, closer to the border and its dynamics, and have a longer-term vision of both the historical evolution of the issue and the various policies implemented over time and the agency's role in them.

## **Discussing the Wall**

This section breaks down the major positions of these three actors in relation to the wall and related subjects with an eye to understanding how the BP has conceptualized the wall in light of its own organizational interests. The first subsection includes some citations from political appointees, a group of particular interest, as they are often caught between the instrumental view of the elected officials and the interests of the agency they are meant to lead. The second subsection deals with the union, where there is a single and often consolidated voice on behalf of the interests of the agency's workforce. And the third subsection gathers expressions from the rank and file, where uncoordinated positions are stated by different agents, based on their own perspectives on the ground. After gathering a few statements on the border wall and unrelated subjects, the next section of the paper discusses their content based on the hypotheses presented above.

### POLITICAL APPOINTEES

Regarding the border wall, and reflecting the fact that political appointees often take their cues from the elected officials who designate them to their posts, and therefore their views depend on the political leanings of the elected leaders, here is the position of former BP and Trump-appointee Chief Rodney Scott:

I would argue that reason for RGVs [Rio Grande Valley's] most apprehensions in the nation has been successes in our border wall infrastructure and our entire strategy in other sectors. . . . We have been building out this border wall system and the border patrol strategy to secure the border to create operational control of our border, for many, many years across multiple administrations, but



we have never had this much infrastructure and this much investment from Congress and administration in the past. Every mile of the border wall system allows the agents that are out here every day to cover more area. . . . When we say wall system, and I apologize if I just say wall, it is a wall system; it not [sic] just a physical barrier, it is exactly that, the access to roads, technology, lighting where appropriate, that mix that allows us to effectively operate (Ortiz, 2021).

Scott's position was already in play earlier on when he met with President Trump in 2018. He attributed order to the wall, even though there is little evidence linking immigration flows with the wall, even as other evidence supports the idea that flows simply shift around to other places of less resistance—going from California to Arizona and now to Texas and even going from above ground to underground (Jones, 2016; Schon and Leblang, 2021). When President Trump asked Scott, a veteran agent who was in the same area more than 25 years ago, about the situation before the existing walls were constructed, he responded: “There was effectively no border in San Diego. It was a chaotic situation. Adding the current fence, made of scrap metal, has at least helped in deterrence.” Scott went on to say: “It changed our environment. We decreased illegal cross-border traffic by 95 percent.” President Trump said the new wall would improve the Border Patrol's ability to secure the border even further. “When we put up the real wall, we'll stop 99 percent, maybe more than that.” Interestingly, Scott added the current barrier has also helped economic development on both sides of the border, an odd claim (CBP, 2018).

The alignment of the elected leadership and the appointed leadership of an agency is interesting to observe as it seems to prevail throughout. This is also seen in the testimony by Carla L. Provost, Chief of the U.S. Border Patrol in 2019. She said:

We must invest in border security, including a modern border wall system. Since the first barriers were constructed in San Diego Sector in 1991, U.S. Border Patrol field commanders have continued to advocate for border wall because of the enduring capability it creates to impede and/or deny attempted illegal entries and because it gives us additional time to carry out successful law enforcement resolutions. CBP and its legacy agencies have invested in border barriers throughout the last three decades, and these historic investments—most significantly the bipartisan passage of the Secure Fence Act in 2006—have received broad support. Today, CBP is constructing a border wall system that includes a combination of various types of infrastructure such as an internally hardened

steel bollard wall, all-weather roads, lighting, enforcement cameras and other related technology. While anchored by the border wall and the impedance and denial capability it brings, the wall system's complementary investments in roads, lighting, and technology address domain awareness, access, and mobility needs as well (DHS, 2019).

However, the vision of the elected leadership and appointed leadership are not always flawlessly aligned. Reinforcing the idea that appointed leaders are sometimes in a difficult position having to juggle the position of the elected leadership and the vision and interests of the agency and its members is the position of Del Rio Border Patrol Sector Deputy Chief Raul Ortiz and Del Rio Sector Chief Patrol Agent Austin Skero, who argued that the border wall is helping to stem the flow of undocumented immigrants, but it need not be everywhere. In the meeting, they show statistics on apprehensions and border seizures to make the case that the border wall does help, even though the border wall appears to have no effect on the number of apprehensions by BP along the border. Still the statement, toward the end of the event, is that the wall is useful in certain areas but not in others, so building the wall should be a more targeted effort (Del Rio Border Patrol, 2021). BP Deputy Chief Raul Ortiz also stated on June 26, 2021 that "another change for the Border Patrol under the new administration is the shift away from deploying security infrastructure, including anything that resembles a wall, and instead, a renewed focus on increasing the speed and efficiency of migrant processing."

Interestingly, and given the Biden administration policy, he goes on to say: "We got to get better at processing people. We gotta get faster at processing people. We got to get faster at transferring those individuals over to the other agencies," implying that their job is to catch people, with or without a wall. Ortiz's position is interesting in its nuance as he came to replace Chief Rodney Scott, named to the post during the Trump administration and "forced out of his role under the new administration. Scott oversaw the implementation of a controversial public health order known as Title 42 shortly after he assumed the top role in February 2020 and supported Trump's border wall" (Owen, 2021).

## UNION LEADERSHIP

The ambivalent position of the appointed leadership, which is caught between the directives of the elected politicians and the vision and interests of the agency contrasts with the more unified position of the union leadership. Brandon Judd, the leader of the NBPC stated in January 2021 that “President Joe Biden’s proclamation to stop work on the border wall between the United States and Mexico could come back to haunt him.” He went on to say: “These are actions that don’t seem like he’s interested in a second term because it’s going to hurt him down the road” (Hammond, 2021).

Judd’s position is much less indecisive and clearly in support of the border wall. He lamented the directive assessing the legality of the funding and contracting methods used to construct the wall; exploring the administrative and contractual consequences of ceasing each wall project; and to “the extent permitted by law” immediately pausing the obligation of funds related to its construction (Hammond, 2021). This was fairly consistent with his own position just a couple of years earlier when, in a congressional hearing, he said:

As an agent who has extensive experience working with and without border barriers, and as the person elected to represent rank-and-file Border Patrol Agents nationwide, I can personally attest to how effective physical barriers are. A wall in strategic locations will ultimately lead to far greater effectiveness and allow us to direct our very limited manpower resources to areas without barriers and where illegal crossings are more likely to take place. I implore the subcommittee, as well as CBP, to follow through with these proposed investments and actually build walls in strategic locations. Regardless of the amount of funding being appropriated to CBP for tactical infrastructure or emerging technologies being deployed to the border, the fact remains that the most crucial asset that the Border Patrol has is its agents (House of Representatives, 2018).

Interestingly, BP’s union has not always had a clear position. Their movement toward unconditional support for the border wall evolved over time. In a 2012 posting on its website, since deleted, for example, the union expressed that “building walls and fences along the border to stop illegal immigration would be ‘wasting taxpayer money.’” It also stated that “border barriers don’t tackle the root causes of migration—and could potentially encourage more migrants to enter the U.S. fraudulently or overstay visas.”

“Walls and fences are temporary solutions that focus on the symptom (illegal immigration) rather than the problem (employers who knowingly hire illegal aliens),” the union wrote in a media FAQ. But the webpage was taken down after the union’s president endorsed the wall at a White House news briefing (Hesson, 2019). It is ultimately not clear why they moved toward support for the border wall as a central instrument in dealing with undocumented migration, but it may have to do with the rhetorical shift that came with the asylum crises that began in the summer of 2012 and have continued to this day and the increasingly aggressive rhetoric against migrants during the 2015-2016 presidential campaign.

The BP union’s activism toward the border wall and draconian policies toward undocumented migration did not stop with overt support for physical barriers at the border. They politicized their position by actively endorsing Donald J. Trump both in 2016 and in 2020. This took the union well beyond a mere consideration of the border wall as an instrument for effectively performing their job into outright political terrain. The NBPC, for example, made this statement in its endorsement of the candidacy of Trump for the U.S. presidency:

There is no greater physical or economic threat to Americans today than our open border. And there is no greater political threat than the control of Washington by special interests. In view of these threats, the National Border Patrol Council endorses Donald J. Trump for President—and asks the American people to support Mr. Trump in his mission to finally secure the border of the United States of America, before it is too late.

Clearly, this statement goes well beyond a consideration that they are an instrument at the disposal of the president and into a clear manifestation of a preferred policy—an anti-immigration policy with all the auxiliary rhetoric and policies that Trump proposed to put “America First.” This constituted, in a way, an endorsement of certain policies toward the border and immigration, and an active positioning of preferred policies in managing America’s immigration and border security (NBPC, 2015).

## RANK AND FILE

As soon as he took office, President Joseph R. Biden halted the construction of the border wall. Soon after, on February 3, 2021, the Center for Immigration Studies, a notoriously anti-immigration think tank, published a piece by Todd Bensman, containing some statements by the rank and file of the border patrol. The statements are striking for their advocacy of the border wall by agents on the ground. The article immediately begins with an agent criticizing the “experts” who argue that border walls do not work. The unknown agent interviewed by Bensman says: “You hear TV, and they would say, ‘well the experts say the wall isn’t effective,’ and I never understood who these experts were”. . . . “Because all of *our* data says, you know, 90 percent effective rate . . . dropping of crossings . . . increased apprehensions and all of that. And it’s like, well, who are these experts to say it wasn’t effective and what are they basing that on? You know, they never really specify” (Bensman, 2021). The agent himself never specified his data either but asserts that the border wall is effective. But what is striking is the faith that the interviewees expressed regarding the border wall as an instrument that can help stem the immigration flow. The same article clearly states that “CIS is withholding their identities” because they are “not allowed to speak to the media without permission.” This clearly indicates that these agents feel strongly about the border wall as they are willing to speak to the media without permission, albeit in anonymity.

Two other agents are also interviewed for the same article—one in Deming, NM and another in El Paso, TX. Their long citations are as follows:

That was always a fallacy that “well, they can dig under. . . . They can climb over or they even have those gliders that come over,” and it’s like yeaahhh nothing’s 100 percent. It [a wall] was always something we wanted. It was always something we wanted more of. Every administration gave it to us. It always was proven effective. . . . It’s all a question of how much more security do you receive for your output and what you invest. And I just think this is going to be a hundred-year investment. This is going to last a hundred years easy, you know with maintenance and all that. And so the effectiveness of that and what it costs us to apprehend somebody and the deaths that we get out here because of you know . . . them crossing and that being reduced. And so, what’s the value of all that? To me I always thought it made sense.

And the second agent argues that:

As much as people like to let their gums flap about things they don't know what they're talking about . . . a wall is a *great deterrent*. *That whole tall-wall-taller-ladder thing? Haha, fine, let them lug a 45-foot ladder out there in the middle of the desert. I don't care.* It's a deterrent. It's not a one hundred percent guarantee, but it [a wall] stops most of the people who are mediocrerly [*sic*] going to commit a crime. A lot of people have no interest in risking their lives to climb that high or lug a band-saw and cutting tools out to the middle of nowhere. A lot of people are deterred by just the idea of all that. Nothing will stop everybody, of course, but for a lot of people? They're not honestly that motivated to go through all of what it takes. Most people are not willing to risk their lives to the extent people think they are.

The agents interviewed clearly view their mission as stemming the flow of undocumented immigrants at the border, with little or no thought to a different way of managing immigration to the United States. Their mission is narrow, and they understand it that way. Two other agents are also cited extensively, one in the El Paso sector and a second in the Big Bend sector. Their statements are also telling. The first states that:

Honestly, when they started putting this one over there, it's like everything's down. Everything's better. It's a good bit easier. Everything's moving to other areas where there isn't any. Obviously it's easier for us. From here I can see people start coming this way (pointing to a rugged desert area beyond the wall), and by the time they get up on the wall, like, they have to go around to the back end (to a point where the wall gives way to an open mountainside). So it's like, when there's not anything, it's like "We're here. We'll just cross." It's kind of like nothing.

And the second argues:

The wall starts and then it ends a few miles down, and in that area where the wall's at, we never have any problems. It was a pretty awesome thing because, before that, our guys were getting into gunfights with drug runners who were driving through the river. It [a wall] makes it hard to drive a packed drug vehicle through the water. But where it ends? We've seen things where along the river they bring people down there by the truckload and they drop as many off as they can because they know we can only catch one or two out of ten. They get picked up and go into the interior of the country to go live as illegal immigrants. Many areas here are very undermanned. At most we might catch three

or four out of ten. . . . With the wall not being finished . . . there's really no threat to the ASOS [Alien Smuggling Organizations]. We have five miles of finished wall and a hundred miles of porous border. They've got plenty of places they can go. That's the sad part. There's a wall that just sort of stands there doing nothing to the ASOS . . . . When there was a commitment to building fences and walls, there had to be a commitment to finish. Without committing and completing it, it's really just a wall that only sort of makes people go around it. It's really no sweat to the ASOS.

## Analysis

Although the citations above are not comprehensive of all members of the three tiers of BP-related actors—the political appointees, the union, and the rank and file agents—they nevertheless are sufficient to draw several important conclusions. This section does just that.

First, support for the wall, although somewhat uneven in the beginning, grew steadily over time. In the first few years of its construction, as evidenced by the deleted post on the BP union's website, there were some doubts about its utility and impact on the organization. There was by no means a consensus on its desirability. But overtime, they came to see it as useful to their mission, despite evidence that it has a rather complicated relationship with undocumented migration and nearly zero impact on the repeated asylum crises that began in 2012. The rank and file also came to support the wall almost unconditionally, providing greater detail as to how the wall helped their day-to-day activities. It was only the political appointees who appeared to be more attuned to the relationship between the Washington, D.C. elected leadership and the wall as a means to address undocumented immigration. They may, deep down, support it, but their statements, such as those by Ortiz, show more nuances than those of the union and a different take than that of the rank and file.

Absent in the statements, however, were any considerations of how the wall fit in dealing with undocumented migration as a policy problem. It was dealt with mostly as a tactical solution, sometimes placed within a larger set of tools, but with hardly any regard to its relationship to U.S. immigration policy. Nonetheless, over time, its support came to be politicized, as Trump entered the national scene and members of the BP saw themselves freer to

pursue a stronger rhetorical stance toward migrants, immigration, the border, and the border wall. Clearly, the more permissive environment allowed them to show their preferences more overtly in terms of how they define the problem and how they prefer to deal with it. That permissive rhetorical environment also allowed them to radicalize their position vis-à-vis the wall as a symbol of policy and of course policy failure, as seen in the endorsement of Trump as a candidate. Equally striking is the single-minded focus on the utility of the wall, with hardly any mention of the multiple criticisms against such infrastructure project, such as the impact on the environment and animal species that straddle the borderline. And there was no mention of the fact that most drugs are smuggled at ports of entry and not between ports of entry or that walls are often circumvented by tunnels and recently by drones. It is likely that such considerations would create dissonance among BP-related actors and they might have to consider the limitations of the wall itself. Such dissonant information is often discounted when it creates uncertainty, ambivalence, or muddled arguments. Most agents prefer clear arguments for or against a preferred definition of a policy problem, set of instruments, etc., and ignore the potential evidence that may contradict the set course.

This is further reinforced by the fact that agents on the ground appear to prefer to heighten the threats they face. They speak of organized crime and conflate the issues of undocumented migration and drug smuggling. They portray the border as a chaotic space, where there is a conflict going on, with them at the front lines. By saying this, they clearly are making the argument that the border wall is absolutely required and that it helps them stem not only the flow of undocumented migrants but also the activities of drug cartels. Of course, there is hardly any mention that drug cartels have found effective ways to work under, over, and around the wall, and it is migrants who are forced to move to walls that present less of a barrier to cross into the United States (dying in the process) or, more recently, have opted for turning themselves in and asking for asylum. That is where the wall becomes perhaps useful, but only in shifting the problem to other areas, not in resolving it. That, however, is not something that BP actors would acknowledge.



## Conclusion

The Border Patrol and its diverse actors are not a monolith, of course. They are a diverse set of actors, with many different backgrounds and individual positions on key public policy issues. Even so, one thing emerges from reviewing dozens of statements by the three types of actors that compose the community: They increasingly support building the border wall. It was not always so, but they have come to see it as vital to dealing with the issue they are charged with—ensuring that the border is not breached by undocumented migrants (and drug smugglers). In the beginning they thought that the border wall was a “waste of taxpayers’ money” and that it was a “mere speed bump” in the march of crime. Over time, however, most changed their mind and moved in the direction of nearly complete support of the border wall. By 2020, the Department of Homeland Security was arguing that the border wall was “effective, and disrupting criminals and smugglers” (DHS, 2020). In fact, in an earlier survey, published by *The Washington Times*, 89 percent of agents in the BP rank and file supported the border wall and only seven percent thought it was not useful. All nuanced understanding of the undocumented migration problem was lost in the process. Few speak of the entire chain of migration, the role of organized crime, or the potential to solve the problem in ways that are different to deterrence at the borderline. The border wall fits well within that two-dimensional view of dealing with migration—at the borderline. The border wall became a symbol of their work, a structure that supports more than their mission. It supports their basic organizational orientation to undocumented migration—dealing with it at the borderline.

There are also few considerations regarding the impact of the border wall on the environment, the species that straddle the borderline, or the damage done to communities throughout. The border wall is now more than an instrument. It is a symbol of their entire strategic approach to the border. It is also a way to simplify the definition of a problem that is likely to require a more comprehensive view, perhaps even a regional view—unauthorized and disorderly migration toward the United States. In fact, the failure of the border wall to deter migrants, especially those who are now presenting themselves and requesting asylum at the border, is lost on the Border Patrol by now. There is nearly a sense of betrayal among border agents. Bensman’s work, cited above,

is clear: There is widespread lament among BP agents over the Biden administration's halting the building of the wall. Their disappointment in the Biden administration's willingness to stop the border wall construction, although not necessarily dismantling what is already built, is evident.

In the end, BP has come to bestow over the border wall a meaning that matches its understanding of the immigration problem. The border wall returns a simple understanding of their mission and a material correlative of the way the problem should be dealt with—deterrence at the borderline, as that is the ultimate object of their focus and the physical place of their day-to-day work. In that sense, there is hardly any surprise that they have come to support the border wall. It advances their organizational interests and their preferred method in dealing with the issues of undocumented migration; it provides political support for their material prosperity; and it enhances their indispensability—this time as protectors and guardians of the wall itself. At the end of the day, BP and its allies have defined the wall as useful to themselves, and if politicians like Trump are willing to support it, the better for them—in effect, they could say, we are in luck.

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