

PART V. ACCOUNTABILITY

Case Study 20. Patrolling the Ethical Borders of Compassion and Enforcement

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## Case Study 20

### PATROLLING THE ETHICAL BORDERS OF COMPASSION AND ENFORCEMENT

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This case examines the role of government agents to patrol the U.S. border and the challenges they face to follow the law and to uphold their personal values. It explores the dilemmas of employees who confront conflicting views of what is right and wrong about their jobs, both within their organization and among members of the public. These tensions create a range of ethical dilemmas that pit individuality versus community and herald deeply intertwined notions of honor, justice, patriotism, mercy, and compassion.

## **Introduction: Working on the Border**

The U.S. Border Patrol plays an important governmental role in immigration, narcotics deterrence, and national security. Border Patrol agents often face critiques that they do either too much or too little in preventing immigrants, narcotics, and potential terrorists from entering the nation through its more than 6,000 miles of land borders with Canada and Mexico and over 2,000 miles of coastal sea borders. Controversial immigration laws, such as Arizona's State Bill 1070 that allows police to arrest people who they suspect to be in the country without legal documentation, have caused many to publicly question whether the Border Patrol is effectively accomplishing its job (e.g., Cooper & Myers, 2010; McCombs, 2010). Popular news stories often portray Border Patrol Agents as incompetent (e.g., Steinhauer, 2009; Surdin, 2009) or as brutal, uncontrolled, and uncaring (e.g., Holstege, 2008; White, 2008). Immigrant rights activist groups such as the National Council for La Raza (NCLR) have called for a stop to agent brutality (Demo, 2004), and regularly hold public protests demanding the restriction of Border Patrol activity.

Meanwhile, civilian militia groups such as the Minutemen Civil Defense Corps assert that the Border Patrol is not doing *enough* to secure the national borders against "the unlawful and unauthorized entry of all individuals, contraband and foreign military" ([www.minutemanhq.com](http://www.minutemanhq.com)). Even social media sites such as Youtube.com reflect the nation's conflicted views of the Border Patrol, [MM: I noticed that you've added "Border" before every "Patrol." Our decision to leave out the word "Border" at times, reflects 1.) the language that Border Patrol Agents actually use themselves, as well as other lay people who discuss the Patrol, and 2.) a desire to switch up the language use so that the reader doesn't become tired of reading the same words repetitively. Might we agree on adding "Border" before "Patrol" at the beginning of a paragraph, and then leaving it off unless we (the authors) specifically added it? In particular, quotations using simply "Patrol," since it's vernacular, should remain "Patrol" only.]

with some videos mocking agents, others depicting agent abuse of power, and still others framing agents as national heroes.

In sum, Border Patrol agents work in an environment with multiple conflicting notions about what is right or wrong about their job. Although some Americans may feel that they understand the Patrol because of what they see, hear, and read in the media, few are aware of the work agents actually do on a day-to-day basis. Most do not understand the wide range of emotions agents experience or what it's like for agents to face such an array of critiques from so many different "audiences" and "clients." In any given situation, agents must consider conflicting messages from the individual perspectives involved—the agent, the citizen of the community, and the immigrant. At the same time, agents must keep up with the ambiguous web of collective "patriotic duty" expectations emerging from the Border Patrol organization, the American government, and the local community. These tensions create a perfect storm of ethical dilemmas that pit individuality versus community and herald deeply intertwined notions of honor, justice, patriotism, mercy, and compassion.

This case study offers a glimpse into the dilemmas faced by Border Patrol agents as they confront the ethical tensions of compassion to immigrants and the community versus their sworn duty to enforce the laws of the United States. Based on more than 165 hours of ethnographic fieldwork, this case study encapsulates stories gathered across the data set, including direct quotes taken from recorded interviews and "in situ" recordings of trainings and events and the first author's observations of agents in the field. Although the names have been changed to protect the identities of participants, this case study reflects the complex nexus of ethical tensions experienced by Border Patrol agents.

## **Part One: Patrolling the Desert**

It was a cold desert night. Agent Aaron pulled his green Border Patrol coat around his broad shoulders and stepped out of the truck. He reached for the flashlight in his belt, shifting the weight of his holstered radio, baton, pepper spray, and gun. Switching the light on, he scanned the desert in front of him: low shrubs, saguaro cactus, Joshua trees, and sand spread out as far as he could see.

The call had come over the radio just a few minutes ago. Motion sensors embedded in the ground near the border with Mexico were triggered, alerting the Border Patrol that someone was roaming in land where they probably shouldn't be. Someone, or probably a group of people, had crossed the border without documentation, hoping to make it safely into the United States under the cover of darkness.

Agent Aaron had been taught to track footprints in the dirt and look for broken branches or litter along a trail. This tracking activity is what the Border Patrol calls “cutting sign,” and Aaron was proud of the fact that after 2 years at the Border Patrol, he knew exactly what to look for in order to track someone in the desert. Tracking was fun, but he knew that finding the immigrants is when the tough part of the job kicked in. That's when he sometimes wondered if he had made the right decision by joining the Patrol. In cases like this, Aaron felt the stirrings of a familiar dilemma—the duty to arrest but the desire to be humane.

He walked quietly through the bushes, blazing his flashlight back and forth low to the ground, eyes keen for anything that looked out of place. When tracking, he turned up the volume in his ears to loud, hyperaware of the sounds around him. He knew the difference between the noise of the wind in the shrubs, a bird shifting in its nest, and the sound of human breathing—steady, fast and shallow with the fear of being caught.

It wasn't long before he saw them—a scattering of footprints in the sand. Some were bigger, with deep tread and expansive gaps between strides. Aaron knew these were probably the tracks of bigger, heavier men. He also saw some smaller, shuffling footprints near the edges, as though a younger boy were following behind the group. Aaron grabbed his radio and called in his find, asking for backup and letting the dispatcher know his location.

“I'm proceeding on foot,” he said in a low, hushed voice. Sliding the radio back into its holster, Aaron pointed the flashlight back at the footprints and began to follow them. Tracking would be easier and quicker now that he had found their trail. He just had to move quickly enough to cover ground more quickly than the group so that he could catch up.

Aaron reached the bottom of a hill and noticed that the footprints began to scatter in several different directions. This was a pretty common practice for groups of undocumented immigrants or drug smugglers, as they spread out to try and confuse or distract Border Patrol agents. He knew the change in footprints meant that the group was probably aware that they were being followed. Aaron took a couple of minutes to examine the difference in the way the tracks moved, noting that most of the heavier tracks seemed to continue up onto the hill. Looking up toward the top of the hill, Aaron thought he could see movement next to a saguaro cactus standing tall against the starry sky. He quickly began hiking up the hill, radioing in his position and his plan to follow the tracks up the hill.

Aaron kept a steady pace, taking long strides. Switching off his flashlight, he would have a better chance at some element of surprise. He kept his breathing shallow and quiet, stepping as lightly as his 6-foot-tall body would allow. In a matter of minutes, he had scaled the hill and was just steps away from the saguaro.

A crackling of branches on his right was all the warning he needed.

“U.S. Border Patrol!” he shouted. “Stop and come here!” “Alto! Ven aquí!” he repeated in Spanish. His heart raced, and a small voice in his head wondered if he should have waited for backup. Shaking off the momentary misgiving, he quickly stepped toward the bushes, knowing he was trained for this very scenario and had successfully accomplished apprehensions many times.

“Come out!” he repeated, the baton in one hand and his other on the holster of his gun. Apprehending a group in the desert was always potentially dangerous, but he knew that most immigrants were far more afraid of him than he was of them. Still, he needed to follow procedure.

Suddenly, a body emerged from the darkness of a bush. One small, solitary figure moved hesitantly into the pathway in front of the looming patrol officer.

She was only about 5 feet tall and could not have weighed more than 100 pounds. Agent Aaron recognized her youth—probably no more than about 19 years old. Her gray T-shirt worked like camouflage in the night haze, but he could see that she was shivering, struggling to hold on to the sweatshirt wadded up in her arms.

“Put your hands up!” he ordered her. “Where are the others?” he gave commands and asked questions in rapid succession. She simply shook her head.

“Put your hands above your head!”

“Poner sus manos sobre la cabeza!” Agent Aaron ordered again in Spanish, but she shook her head again. Now he was getting frustrated. He wondered if she was from somewhere other than South America and didn’t understand either English or Spanish. Agent Aaron took a step closer and saw tears streaming down her face.

“They all left me because I couldn’t walk fast enough,” she sobbed.

“Put your hands up where I can see them,” Agent Aaron repeated a third time.

“I can’t.” she told him.

Aaron moved to reach for the woman's arms to put them behind her back. One of the first things they learned at the Border Patrol Academy is that you always have to be able to see the hands of the person you're apprehending. Otherwise, they could be holding a weapon. Agent Aaron's instincts told him that the woman wasn't a threat, but he still needed to follow procedure—again that all-too-familiar dilemma. She might be small, but with a gun, she could end his life in just seconds.

The woman was shivering so badly that she seemed to be rocking in the breeze. Agent Aaron wondered why she wasn't wearing the sweatshirt she was holding. "I will ask you one more time," he said firmly. "Put your hands above your head, where I can see them." Agent Aaron took another step toward her, his baton elevated in a defensive position.

"I can't," she repeated, lifting the sweatshirt in her arms. "I'm holding my baby."

The bundle unfolded to reveal an infant, only a couple of months old, wearing nothing but a dirty diaper. The whiteness of the diaper shone in the moonlight, just before the baby gasped in the chill of the night air and let out a small but painfully pitiful cry.

## **Part Two: The Call of Duty**

Aaron had become accustomed to the unpredictability of his job. Serving as a Border Patrol agent wasn't exactly what he had thought it would be. There were still moments when he was surprised—when he found that his training hadn't prepared him for situations he encountered in the field. These unpredictable moments were the ones that he carried home with him after his shift, when he sat reclined in his old La-Z-Boy chair staring at the television screen but still seeing the images from his time at work. He had always considered himself an ethical person, but negotiating the multiple tensions he now faced as an agent caused him new and often confusing dilemmas that required more decision making than he thought the job would require.

When Aaron returned from his tour of duty in Iraq, he knew he wanted out of the military. He liked his life in uniform but didn't want to risk being sent off to war again. One of his friends told him that the Border Patrol was hiring. Aaron didn't know much about the Patrol. Even though he grew up in a Southwestern American town and had taken several quick trips down to Mexico to shop as a kid—and later to party as a young man—he had never really thought about the officers in green who stopped the car to ask if everyone was a U.S. citizen. Still, his friend insisted that it was a good job with good pay. Plus he could continue to serve his country.

Aaron decided to check out the Border Patrol's website. He read about how the Border Patrol has tripled in size since the 9/11 terrorist attacks in 2001 and how protecting the nation's borders is a key emphasis for the Department of Homeland Security.<sup>1</sup> According to the website, "The priority mission of the Border Patrol is preventing terrorists and terrorists' weapons, including weapons of mass destruction, from entering the United States."<sup>2</sup> The emphasis on protecting America from terrorists made a lot of sense to Aaron, particularly since he'd just come home from fighting the war in Iraq. Although terrorism and weapons of mass destruction weren't part of what

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<sup>1</sup> The U.S. Border Patrol has seen tremendous growth over the past decade. Information about the numbers of agents comes from personal communication with the public relations office at the Washington, D.C., headquarters and from the following Border Patrol documents:

Customs and Border Protection. (2007). National Border Patrol strategy. *Report from the Office of the Border Patrol*. Retrieved from

[http://www.cbp.gov/xp/cgov/border\\_security/border\\_patrol/border\\_patrol\\_ohs/](http://www.cbp.gov/xp/cgov/border_security/border_patrol/border_patrol_ohs/)

Customs and Border Protection. (2011). Customs and border protection, "Who we are and what we do."

Retrieved from [http://www.cbp.gov/xp/cgov/border\\_security/border\\_patrol/who\\_we\\_are.xml](http://www.cbp.gov/xp/cgov/border_security/border_patrol/who_we_are.xml)

<sup>2</sup> This "priority mission" quote comes from the home web page of the U.S. Border Patrol at [www.cbp.gov](http://www.cbp.gov). It is also reprinted on many organizational documents and webpages.



he normally thought about when he pictured the Border Patrol, he liked the idea of continuing to fight a war against terror within the borders of the United States.

Aaron examined the photos and the videos on the Border Patrol's website. While the website said less than he expected about immigrants, he liked what he saw. One video in particular really made sense to Aaron. In it, the man said, "As Americans we have a duty to serve our country. The question is, how will you serve?" In the next scene, the man wore a Border Patrol uniform and said, "I've made my choice. The U.S. Border Patrol."<sup>3</sup> Other video commercials showed images of men and women working together with weapons and riding around on ATVs, snowmobiles, jet skis, or on horseback. What was missing were photos of terrorists or immigrants or anyone else agents might work with.

The information on the website suggested that Border Patrol life would be similar to the military except with less danger and similar to being a cop—only he'd have fewer people to deal with. The job definitely looked like a lot more fun than fighting the war in Iraq. Aaron figured he'd have a leg up on most of the other new recruits because of his past military training. After doing his research, Aaron began to agree with his friend. Becoming an agent seemed like a perfect job for him.

Aaron dove headfirst into the 6-month-long process of filling out the Border Patrol application, taking the various physical and written tests, and completing the interviews and background checks to finally get accepted into the Border Patrol. Meanwhile, the voices of those

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<sup>3</sup> Several commercials are posted on the Border Patrol's website. This commercial also has a transcript posted.

You can obtain them at their website:

[http://www.cbp.gov/xp/cgov/careers/customs\\_careers/border\\_careers/bp\\_agent/videos/](http://www.cbp.gov/xp/cgov/careers/customs_careers/border_careers/bp_agent/videos/)

who first encouraged him to apply faded away as voices questioning his decision to become an agent began coming at him fast and furious.

“Have you seen the stories on the news?” his mother asked him, her voice strained over the phone. “They say Mexico is the most dangerous place in the world right now!” she said, sounding as though she might start to cry. “I don’t think I want you working with those people down there!”

His dad was a little more supportive. “Well,” he said, “you’re still serving your country. Just remember who you are and where you came from. Keep your honor.”

Some of Aaron’s friends also weighed in with their opinions. “How can you become a Border Patrol agent?” his friend Matt asked. “I mean, won’t you feel guilty about arresting people who are just trying to pursue the American dream?” Monica had the complete opposite reaction, telling him, “Catch as many border crossers as you can. I don’t want any criminals in my community, and I don’t think it’s fair that illegals don’t pay taxes.”

With all the contradictory messages of his family and friends still swirling in his head, Aaron reported for duty. Just hours after arriving at the “Welcome Meeting” his first day, he received standard instructions on benefits and payroll and signed a pile of forms. Then they got to the meat of the job, watching a slide show that featured everything from 12 border crossers crammed into a sedan, to packages of drugs smuggled into a tire, to Mexican gang member tattoo markings. The assistant chief [MM: This is a title, and it’s capitalized on Border Patrol documents, but I’ll leave this decision to you.] of the sector—the regional office to which he was assigned—told the new agents, “You’re about to begin what’s probably the hardest and most important challenge of your life. The Border Patrol is challenging. We want to make sure that you have what it takes. We want guys who are willing to pull their own weight and then some.” Aaron glanced around the room. Although the website had pictured some female agents, it was mostly guys in this

orientation session. Still, Aaron wondered why the chief kept using “guys” when there were three women among the new recruits.

The assistant chief [MM: Same as above] looked out across the nervous faces of the 21 recruits. “There’s some advice I’ll give you. It’s a single word that you’ll probably hear over and over at the academy [MM: This is similar- in Border Patrol documents they would capitalize “Academy” because it’s short for the title “Border Patrol Academy.”] and again when you get back here. That word is *integrity*. Integrity is something you either have before your training or you don’t. So many agents get into trouble because they lack integrity, judgment.” He continued, “From this point forward, continue to ask yourself, ‘How is what I’m about to do going to affect me, my agency and my career, and others?’ Think about the consequences. Think about your options. And make the right decision.”

Aaron had listened to the assistant chief carefully and felt proud to be starting a job where integrity was so important. At the end of the day, when the recruits stood at attention and took the oath, he felt convinced of his decision. With his eyes focused on the U. S. flag in the front of the room, he pledged with the others, “I do solemnly swear. . . . That I will support and defend the constitution of the United States, against all enemies, foreign and domestic. That I will bear true faith and allegiance to the same; that I take this obligation freely, without mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of which I am about to enter, so help me God.”

### **Part Three: Becoming Border Enforcement**

When he graduated from the 3-month Border Patrol Academy, Agent Aaron felt mentally and physically prepared for the field. He had been right. The training was easier for him than some of the other recruits. One guy had quit within a week—he just couldn’t handle the physical training. A

woman had dropped out after about a month because she injured her knee, and two more recruits went home 2 weeks later because they feared failing the legal exam. One recruit was kicked out because he got caught driving drunk. Out of a total of 21 from his sector who had originally been deployed to their training site in Artesia, New Mexico, only 16 returned with Aaron to begin the “internship” as a trainee agent in the field. Still, upon graduation, Agent Aaron felt the academy had well prepared the recruits to watch for and apprehend undocumented immigrants, narcotics smugglers, terrorists, weapons, or whatever else they might encounter.

On his first day as an agent, Aaron was assigned a journeyman, or an experienced agent, with whom he would work and learn from until he became a full-time agent on his own. His journeyman, named Hank, was a former small town university cop who had been an agent for 10 years. After 9/11, Hank decided to join the Border Patrol, in part after hearing on the news that many of the terrorists had been in the United States without proper documentation. As Hank put it, “I welcome others to my country. But you gotta come in the right way. You gotta do it with all the right paperwork, and go through the proper channels. Otherwise, you’re here illegally, and you’ve got to go.”

A couple of weeks after he started working with Hank, Aaron got called to the “Welcome Back” meeting at the sector office. Reluctantly, Agent Aaron took a day off from his field training to attend the required meeting, where he signed another stack of paperwork and watched another slide show. At the meeting, Aaron was restless and bored. During the break, he got up and grabbed a cup of coffee, hoping the caffeine could provide a jolt of energy. Over break time snacks, he whispered to another recruit, Kat, saying, “I can’t believe they pulled us out of the field for this crap!”

“No kidding,” she replied. “I could be hanging out at the checkpoint, but instead I’m sitting here listening to stuff I already know.” Agent Kat rolled her eyes and shook her head.

When break was over, the agents reluctantly returned to their seats for the next speaker.

“I’m the chaplain for this sector,” the man introduced himself. “You may be thinking, ‘Why does the Patrol even have a chaplain?’ But I’m here to tell you, I’m here for you if you need me. I’m not gonna try to get you to believe any specific religion or anything like that. I’m just here to listen to your problems or to help you through a hard time in your life.”

He cleared his throat and continued. “You all just returned from the academy. You got training in how to drive, how to shoot, how to speak Spanish, and to know the law.” He took a step closer to the new agents. “You even learned how to take down another person with your own body strength. But not once” —he seemed to lock eyes with Agent Aaron for a second before looking away— “not once in all your training did you ever receive a lesson about how to handle the stress of this job.” The chaplain paused and looked around the room.

Agent Aaron shifted in his seat.

“When you’re in the field, you’re gonna see things,” the chaplain continued, “things you didn’t expect to see, things that will break your heart. Kids and old people. Sick people. People just wanting a better life. And you’re gonna bust their dreams. Eventually, all that stuff’s gonna take a toll on you. And you will feel stressed.”

Looking down the line of agents sitting at the tables, Aaron saw several of his peers squirming a bit. The tone of the chaplain was completely different than what they had heard in the rest of their training. *What is this guy talking about?* Aaron thought.

“In the year 2000, even before September 11th,” the chaplain told the new agents, “163 law enforcement officers died in the line of duty. Even with all the training they received, just like you

received, 163 law enforcement officers still died.” He glanced down at his notes. “And yet, amidst all that training, no one ever got any suicide prevention training, or de-stress training. And that’s why 418 law enforcement officers committed suicide in 2000. That’s nearly three times as many law enforcement officers who took their *own* lives than those who were killed by the bad guys.”

The chaplain took a moment to let the numbers to sink in. More than 400 law enforcement suicides in a year.

“That’s why I’m here,” the chaplain concluded. “I’m here so that when you feel stressed out you have somewhere to go. You can come talk to me. We can work it out together so that you don’t need to find a solution to your stress by taking your own life.”

As the chaplain finished up, Aaron breathed a sigh of relief. He still felt pretty confused about what he’d just heard. The chaplain’s comments seemed totally off topic. *Okay, so some crazy law enforcement officers committed suicide, Aaron thought. But that’s not true for the Patrol, right?*

“O-kaaay,” the next speaker said sarcastically as the chaplain left the room, holding the word until the door slammed shut. “Now maybe we can get back to the important stuff!” He laughed, and the new agents seemed happy to join in the lightness of this new speaker. “If any of you feel like you can’t handle the job—or if this is just too much for you—now you know where to go!” The speaker smiled and laughed again. “For the rest of us, we’ll man up and take care of the real business of protecting the country!” Agent Aaron joined the others in laughter.

But a few weeks later, Agent Aaron wasn’t laughing.

He was holding the hand of an elderly man whom he and his journeyman Hank had found lying on the desert floor in 118 degree heat. Hank returned to the truck to call for the ambulance, leaving Aaron to deal with the undocumented immigrant who was barely breathing. It seemed

certain that by the time the ambulance arrived the man would certainly be dead. Aaron was acutely aware that his touch on the man's clammy and dirty skin was likely the last touch that the man would ever feel.

"I just want to see my daughter again," the man told Agent Aaron in broken English. "And send some money back home to my wife." Aaron looked into the man's blue eyes and wondered what country he was from. Although the only language Aaron learned at the academy was Spanish, he had gotten used to listening to all sorts of accents—from Romanian to Vietnamese to Ethiopian. The immigrants he encountered were more than just the stereotypical Mexicans. Despite their origin, almost every immigrant he encountered said they were in search of a better life. They were trying to "pick themselves up by their bootstraps" and find a way to live the American dream.

And so, Agent Aaron was quickly learning that being a Border Patrol agent entailed much more than patrolling the desert in a vehicle, more than stopping people at a checkpoint, and more than arresting "bad guys" who didn't deserve to be in the country. Being an agent also meant helping people who were dehydrated from the desert's searing sun. It meant giving directions to people who got lost on their vacation and helping ranchers herd their cattle back inside the fence. Being an agent meant serving as the *public face of immigration*—the person that everyone, whether supporters or haters, could either blame or praise for preventing undocumented immigrants from entering the United States.

A couple of months later, Agent Aaron's buddy Mike told him a story about stopping at a gas station to get a snack and a drink, saying, "When I came out, a day-old hot dog in one hand and an energy drink in the other, this woman is screaming! I mean, it took me a minute to even realize she was yelling at me. She was cussing about how Border Patrol agents are the devil and how we rape women and kill people in the desert and stuff like that." Mike was laughing again. "She was

totally spitting in my face she was so close to me. And before I could decide whether to laugh at her, push her out of the way, or what, this other guy walks up and starts yelling back at her! And this guy,” he continued, “he’s yelling and cussing at the woman about how all immigrants are scum, and they’re stealing Americans’ jobs and ruining the health care system, and how the Patrol is just trying to clean up America for the people who pay their taxes. It was crazy, man!”

“So, what did you do?” Aaron asked, wondering what he would do if he encountered that situation.

“Well, it’s honor first, man!”

Aaron and Mike both burst out in uncontrollable laughter. The motto “Honor First” was practically tattooed on agents’ brains from the first day at the academy. The Border Patrol wanted agents to always act with integrity and honor, so the phrase “Honor First” was emblazoned across walls at the station, was standard in supervisors’ signature lines in e-mails, and even hung on the back of the stall [AU: **backs of the stalls instead?**] [MM: Yes, that’s fine.Or, “on the back of stall doors”] in the bathroom. But how to actually *enact* “honor first” in the field seemed vague to most agents, and they joked about the fact that, in the end, the only way to know if you lived up to the Border Patrol’s requirement of honor first [MM: I think you removed the quotation marks, but I would prefer they stay, and indicative of the quote from the Patrol] was if you avoided getting written up for making the wrong decision in the field. Write-ups equaled lost honor.

While in many ways they joked about the repeated use of the phrase, agents also took honor seriously, and all of Aaron’s friends in the Border Patrol believed they were doing their jobs with integrity. However, because of the ambiguous way the Patrol used honor first, the new agents had difficulty defining or talking about it in a way that had real meaning in their work.

Aaron and Mike continued laughing for a moment, then Aaron shook his head.



“For real, Mike,” Aaron repeated. “What did you do in response to those people at the gas station?”

“What else could I do?” Agent Mike asked. “I got into my truck and drove away. Ate my stale hot dog in peace and quiet!”

Later that night, Aaron pulled slowly into his driveway, turning over Mike’s situation in his head. *How are we supposed to know how to handle all these different people?* he thought. He pulled the keys from the ignition, then let his head fall onto the steering wheel. He closed his eyes. He didn’t want to go into his house. He didn’t want to go back to work. He didn’t seem to want to do anything.

Even with his eyes squeezed shut, Aaron could still see the faces he encountered at work: his supervisor, senior officers, and his journeyman, Hank—all who somehow made it at the Border Patrol and were trying to teach him how to be a good agent. He saw the little girl in the detention center whose face lit up when he handed her some juice. He saw fear in the eyes of the young undocumented lettuce cutter who told Aaron that he needed to work so that he could pay for his mother’s surgery. He saw the dying old man who just wanted to see his daughter one last time.

These were the scenes that were curiously absent from the Border Patrol recruitment materials that Aaron had first encountered months ago. They were scenes that very few of his friends and family seemed to understand were a primary part of his job. Aaron began to reconsider the chaplain’s words about stress in the Border Patrol. For the first time, it sunk in that being a Border Patrol agent was as much or more about working with everyday people than it was with catching terrorists and drug dealers. His everyday clients were more likely to be sick and weak than to be armed and dangerous. The complexity of such a job was going to require a savvy balance of

compassion and being on guard—a balance that came with a unique set of ethical dilemmas. He decided to approach them as best he could.

## **Part Four: Making Ethical Decisions**

The wind began blowing harder through the desert. Agent Aaron shivered in his heavy coat, blinked hard, and looked away from the crying baby in the woman's arms.

*What the hell is wrong with this woman?* he thought. *How could she put her baby at risk like this? I know she wants a better life for herself and her family, but what was she thinking trying to cross the desert with so much danger!*

Clenching his jaw, Agent Aaron thought, *What am I supposed to do now?*

He reached out and covered the baby with the woman's sweatshirt so that the infant would at least have a bit more warmth. Aaron wondered whether the woman had begun the journey with more clothes, food, and diapers but already used it up or whether her comrades had taken off with the remaining gear, assuming she would either soon die or get caught by the Border Patrol.

Agent Aaron felt conflicted by his roles as a Border Patrol agent. On the one hand, he had taken an oath to do his duty to protect his nation. The Patrol had trained him in the correct procedures—to arrest the woman, handcuff her hands behind her back, and take the baby into custody. Officially, it was not his concern whether the woman or baby were warm, comfortable, or healthy.

On the other hand, Agent Aaron felt an ethical responsibility to be compassionate to the people in his custody. The woman and her baby were human beings. They were trying to find a better life, in search of the American dream. The baby didn't have a choice in making this journey at all. Aaron wanted to act with integrity, honor, and within his duty, yet he also wanted to respect human life.

*How do I live up to the expectations and duties of the Border Patrol, while maintaining integrity and honor? Agent Aaron thought. How do I treat the undocumented immigrants in my custody? And how do I abide by the organizational mandates to arrest and detain immigrants while still being caring and compassionate? Is it possible to do both at the same time? Certainly, he could do this. However, he was less sure exactly how he would do so. . . .*

### **Discussion Questions**

1. What should Agent Aaron do? What options does he have in this situation?
2. Who is owed an ethical response here? The woman, baby, agent, organization, nation, community? Is there a priority order of these groups?
3. Write out a potential course of action that would likely be well regarded for each of the following audiences. Is it possible to consider holding the “right/right” ethics in these different positions in “tension,” given the fact that practical, real-world decisions must be made by agents in the field?
  - a. the U.S. Border Patrol as a governmental organization
  - b. an undocumented immigrant
  - c. an anti-immigration activist (such as Minutemen)
  - d. a pro-immigration activist (such as the NCLR[MM: Do you think students will know what this is by the acronym, or should we go ahead and write it out?])

e. a Border Patrol agent

4. When you read the case study, did you assume Aaron was a certain race? If so, what race did you envision him? Why? In what ways does the ethnic or racial background of the agent matter, if at all?

5. In what ways does the gender of the agent matter, if at all? What challenges might a female agent face at the Border Patrol, given what you've just read about the job? In what ways might the ethical challenges shift for both the agent and the organization?

6. Some of the key words for the Border Patrol are duty, honor, and integrity.

a. Create definitions for these words, then discuss how they overlap and interact or are separate and distinct from each other.

b. How do these represent a "right/right" dilemma as discussed by Steve May in the opening of this book?

c. Can acting with "honor" and "integrity" ever be unethical?

7. What types of ethical responsibilities do you think the organization has in terms of advertising the job, recruiting employees, and helping prepare agents for the emotion and stress of the job?

8. Outside research: Go to the U.S. Border Patrol website, and watch recruitment commercials

([http://www.cbp.gov/xp/cgov/careers/customs\\_careers/border\\_careers/bp\\_agent/vide](http://www.cbp.gov/xp/cgov/careers/customs_careers/border_careers/bp_agent/vide)

os/). Make a list of what's there and what's missing. Then make recommendations about what the Border Patrol could add or change, based on a potential ethical responsibility to recruits.

Extended research: Look up recruitment commercials and websites from other organizations and do the same exercise. Discuss the ethics of organizational representations of work.

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