

THE AUSTIN CHRONICLE

The Border Patrol Myth

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When it comes to the chances of dying while doing law enforcement, many people think that being a Border Patrol agent is uniquely risky. Much of the media help to reinforce this assumption, with dire reports of border agents assaulted and murdered. Most of the bad news is datelined near the international line with Mexico, a place supposedly teeming with criminal immigrants, weaponized cartel operatives, and generalized mayhem. Walk that line as part of the **Border Patrol**, the thinking goes, and you walk with the man with the scythe.

That's wrong. Border Patrol agents do die, but very rarely due to violence. The vast majority of deaths are accidental – and even those are rare. In fact, when it comes to on-the-job fatalities, being a Border Patrol agent is safer than working as a cop.

That's the finding of **Alex Nowrasteh**, a researcher at the Washington-based **Cato Institute**. Nowrasteh recently looked at **fatality rates** for police officers – the number of on-the-job deaths in a year divided by the number of cops nationally. Then he did the same for the Border Patrol, from 2003 to late 2017. He found that 33 Border Patrol agents died on the job during the 15-year period he examined. Of those deaths, 16 were due to driving accidents; six were caused by health-related conditions such as heart attacks and heat stroke; four were accidental drownings; and one came from an accidental fall. Some of these deaths occurred while the agents-to-be were still in training and hadn't even started working yet.

Over the past 15 years, only six Border Patrol agents were homicide victims, and only three of those six were on duty.

That leaves just six homicides in 15 years. But only three of those happened to agents who were on duty at the time and were killed by "hostiles." **Luis Aguilar** was struck in 2008 by a vehicle driven by a marijuana smuggler trying to elude capture. The next year, **Robert Rosas Jr.** was shot in California by smugglers who murdered him in order to steal his night-vision goggles. In Arizona in 2010, **Brian Terry** was shot by a criminal wielding a gun.

The other three homicides are much murkier. Agent **Javier Vega** was fishing in Texas with his family in 2014, when the group was accosted by armed robbers. Vega was killed after pulling his gun, an instinct that the Border Patrol later said was honed by his experience as an agent. His murder was deemed work-related, though he was off duty at the time and out of uniform.

Likewise, **Isaac Morales** was killed last year at a bar in El Paso. An altercation had ensued, and Morales was stabbed after entering the fray and saying he was a Border Patrol agent. Because he identified himself as such, his death was also deemed work related, though Morales, too, was off duty and out of uniform. Another agent, **Nicholas Ivie**, actually was on duty. But he was killed after he opened fire on fellow Border Patrol agents whom he mistakenly took for smugglers. One shot back and killed Ivie – a "friendly fire" death.

Even when all the homicides and accidents are considered together, Nowrasteh calculates that the annual fatality rate for the Border Patrol is one in 7,968 agents. Meanwhile, he notes, the rate for local and state law enforcement officers is one in 3,924. In other words, local cops have about twice the likelihood of dying on the job as Border Patrol agents do.

But you'd hardly know this from the news, especially since November. That's when far-right outlet **Breitbart** broke the story of Border Patrol agent **Rogelio Martinez**, found by rescuers at the bottom of a culvert in West Texas with severe head injuries, of which he died hours later. Breitbart quoted a Border Patrol union spokesperson calling Martinez's death a vicious murder by smugglers. President Trump amplified the claim on Twitter, using it to bolster his insistence on the need for a massive border wall. The "vicious murder" meme was soon challenged by mainstream media. They reported that investigators looking into agent Martinez's death, including the FBI, were speculating that Martinez and his partner might have accidentally fallen into the culvert. (The partner, who also sustained head injuries, has said he does not remember what happened.)

After that, the union's leaders – who enthusiastically support Trump and his anti-immigrant policies via their Breitbart-sponsored podcast *The Green Line* – continued to insist that Martinez was murdered. Simultaneously, Breitbart, **Fox News**, and other right-wing media pushed the Border Patrol's claim that assaults against agents in fiscal year 2017 were sharply up from the previous year. (Included in assault reports are agents sighting rock throwers, even when the agents are out of range of them; and agents splashed with river water by immigrants making a crossing.) The claim of assaults became another drumbeat for building more border wall. And it buttressed calls to expand Border Patrol staffing – even though, under current staffing, each agent arrests an average of less than two people per month.

Last month the FBI announced that, after exhaustive investigation, it found no evidence of assaults upon agent Martinez or his partner. Yet union leaders still insist that the men were attacked, and Fox News has promoted the claim. And last month, **Customs and Border Protection** released data showing that assaults on Border Patrol agents during the past four months declined 22% compared to a year earlier.

That drop has received no coverage from the MSM – much less Breitbart – nor any tweets from Trump. But why would it? News of peace and safety on the U.S.-Mexico line might muffle the clamor for wall building, weaponry, and a bigger, meaner Border Patrol.