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LAW AND ORDER

The Border Patrol Hits a Breaking Point

Behind this week's migrant-center horrors lies an agency plagued by years of dysfunction—and Trump is only its latest problem.

By GARRETT M. GRAFF | July 15, 2019

Vice President Mike Pence's Friday visit to a Border Patrol detention facility in Texas didn't go according to plan. Meant to pressure Democrats to address the migrant crisis at the southern border, the visit instead appeared to horrify those who accompanied Pence and raised pointed questions about U.S. Customs and Border Protection, America's most troubled law enforcement agency.

Nearly 400 migrants were crammed into a converted vehicle sally port; many hadn't showered in weeks, and space was so tight there was no room for cots for them to sleep. "The stench was horrendous," the *Washington Post's* Josh Dawsey wrote, noting that Border Patrol agents were wearing face masks and saying, "Pence appeared to scrunch his nose when entering the facility, stayed for a moment and left."

"It's tough stuff," Pence said. "I was not surprised by what I saw," the vice president told reporters. "I knew we'd see a system that was overwhelmed."

The visit capped one of the worst weeks in modern memory for the CBP and the U.S. Border Patrol, as the agencies tasked with meeting record-setting numbers of migrants seeking asylum from violence in Central America reeled from personnel scandals, leadership scandals and the scandal of their treatment of those asylum-seekers. Agents were caught making racist comments in a Facebook group—a group that the chief of the Border Patrol evidently was a member of herself—and minting a commemorative coin mocking the idea of taking care of children and migrants.

Last week's scandals followed months of worrisome headlines concerning CBP: At least 12 migrants have died in the agency's custody since September, and its agents have been accused of everything from sexual abuse of migrant children, to trafficking firearms, to running down a border crosser with a truck. One Border Patrol agent was arrested and charged with being a serial killer. (Both Border Patrol union President Brandon Judd and CBP did not respond to requests for comment for this piece.)

Now it will be Mark Morgan's job to clean up these problems. He was appointed to be CBP's acting head last Sunday after a short stint as acting head of U.S. Immigration and Customs Enforcement, where he spent much of his tenure advocating for a series of dramatic, publicly telegraphed immigration raids that ended up playing out more quietly than expected over the weekend.

But CBP's 16-year track record suggests the problems run deeper than one commissioner—especially an acting one—will be able to fix, and it's even less clear whether Morgan is the man to fix it.

The problems underlying CBP's almost theatrical failures trace back to its creation amid the post-9/11 reorganization of the Department of Homeland Security and have been exacerbated by a long-standing failure of leadership that goes up to both Congress and the White House and has lasted through three administrations. Both the modern Border Patrol and its parent CBP have been plagued by poor leadership and management at all levels, and by recruiting challenges that have left them with a subpar, overstressed workforce and a long-running toxic culture. Most deeply, however, they are plagued today by a huge and unresolved mismatch between the agency's founding identity and its current mission.

Most Border Patrol agents serving today signed up for a tough job in a quasi-military agency protecting the country against terrorists and drug dealers. They've found themselves instead serving as a more mundane humanitarian agency—the nation's front-

line greeter for families of migrants all too happy to surrender themselves after crossing the border. CBP's doesn't have the culture to meet this challenge, nor does it have the manpower or support from the rest of government. The latest bad headlines have come even as the promises made by candidate Donald Trump to invest in the Border Patrol have not been fulfilled; far from an increase of thousands of agents, the agency is actually now smaller than it was under President Barack Obama. As one former Border Patrol union official told me, "Trump is not delivering."

It's unclear how willing or able Morgan will be to bring the agency's culture and resources in line with its actual responsibilities. In 2016, the former FBI agent was appointed chief of the Border Patrol amid the agency's lone period of serious reform, and was actually fired by Trump as one of the president's first actions in office. But he has unexpectedly earned his way back into the president's favor by appearing repeatedly on Fox News as a pro-Trump, anti-immigration pundit. In his most infamous turn on TV, he told Fox host Tucker Carlson in January that he could tell whether a kid would become a member of the violent MS-13 gang just by looking in his eyes.

The ferocity of Morgan's pro-Trump conversion has puzzled former CBP colleagues, who remember him as a reasonable, reform-minded—even progressive—officer and agent who had been originally lent to the agency by then-FBI Director James Comey. "Many of the opinions he's voiced in the last two years were never said when he was at internal affairs and at the Border Patrol," one former colleague told me. "It's a bit of a surprise." They were similarly surprised when the president appointed Morgan as acting ICE director in May as Trump sought leaders at DHS who would execute his harsh immigration plans—and even more so when Trump now returned him to the agency Trump himself had originally fired Morgan from.

Even if Morgan does try to bring much needed reform to CBP in the spirit of reform, though, he won't find patching things up so easy. Congressional leaders might express shock at today's most recent crisis, and paint the trouble as a symptom of Trump's heartless policies, but in fact the agency's problems are deep-seated, and they have lingered in plain view for years.

Being a Border Patrol agent is often hard, grinding work—outdoors, in cold northern winter nights and searing southern desert summer days, confronting high-stress, volatile situations, where you never know whether the next person you encounter could be an

armed drug smuggler or a family searching for safety. The pay isn't great and duty stations are often in remote areas, where it's hard to house spouses or children.

For decades, patrolling the border had been lonely work, too, as agents often patrolled alone with backup sometimes hours away. The agency was comparatively tiny, and amid the security reckoning that took place in the wake of 9/11, its own studies concluded the Border Patrol did not have "operational control" over 97 percent of the border. It had money to handle just 60 detainees a night nationwide—fewer detainees than are today often crammed into a single cell inside the overstretched facilities along the southern border.

That all changed after al-Qaida's terror attacks. Pennsylvania Governor Tom Ridge was brought to Washington to serve as George W. Bush's first homeland security adviser and later the first secretary of the newly formed Department of Homeland Security. He recalled to one interviewer that he faced a seemingly unending supply of federal funding: "People just wanted to give me unlimited amounts of money."

DHS' newly created CBP, created out of the merger of multiple other agencies from across government, was primarily made up of two distinct units: The blue-uniformed officers known as the Office of Field Operations, who police the nation's legal ports of entry and border crossings, and the green-uniformed Border Patrol agents, who patrol areas in between legal crossings and conduct interior enforcement efforts within 100 miles of an international border or seacoast, an area in which two-thirds of the U.S. population resides. (Other smaller divisions of CBP focus on more specific tasks, like intelligence and the brown-uniformed Air and Marine Operations, which houses CBP's helicopter and boat units.)

The money pouring into Ridge's hands paid for a more than doubling of the Border Patrol, which surged from 9,200 agents in 2001 to more than 21,000 during its peak in the first term of the Obama administration, and similarly rapid expansion at CBP's OFO, a rate of growth that completely outstripped CBP's systems to manage its employees. When in 2014 I wrote the first comprehensive history of that ill-considered hiring surge, the rise of what CBP called "the Green Monster," one DHS official told me, "[Congress'] view was, 'We're going to field a small army and make up for decades of neglect by previous administrations.' Almost any body in the field was better than no body."

CBP recruited that new army by lowering its hiring standards—already the lowest among top federal law enforcement agencies—and shoveling agents through the academy and into the field before even completing background checks. "We weren't prepared," one former

training officer told me. Agents called it “No Trainee Left Behind.” Management structures and processes failed, oversight lessened and by the end of the Bush administration, more than half of the Border Patrol had been in the field for less than two years. Already at that point, agent misconduct and criminality were on the rise—the lax hiring standards and background checks had populated the new border army with the wrong sort of person. “We made some mistakes,” Bush’s CBP Commissioner Ralph Basham told me in 2014. “We found out later that we did, in fact, hire cartel members.”

Corruption among CBP’s ranks got so bad that in Obama’s first year, CBP and DHS leadership ordered the agency to change its definition of “corruption” to downplay the number of total incidents; sexually assaulting detainees was no longer considered “corruption” worthy of reporting to Congress.

The situation continued to deteriorate as the Obama administration went on. A CATO Institute study found that from 2006 to 2016, CBP and the Border Patrol’s misconduct and disciplinary infractions outstripped all other federal law enforcement. Border Patrol agents were six times as likely as FBI agents to be fired for disciplinary infractions or poor performance and “12.9 times as likely as Secret Service agents.” Moreover, CATO found “it is virtually impossible to assess the extent of corruption or misconduct in U.S. Customs and Border Protection ... because most publicly available information is incomplete or inconsistent.” As I totaled up in 2014, there were 2,170 misconduct arrests of CBP officers and agents—ranging from corruption to domestic violence from 2005 through 2012—meaning that one CBP officer or agent was arrested every single day for seven years.

There were so many examples of corruption that CBP created its own internal website, called “Trust Betrayed,” featuring the stories of turncoat CBP officers and Border Patrol agents, as a cautionary warning to others. Examples from the site, released to BuzzFeed’s Jason Leopold earlier this year, include agents bribed by cartels to wave certain individuals through immigration lanes and provide documents to smugglers, and even smuggle undocumented immigrants themselves.

Addressing that epidemic of misconduct—and worse—proved all but bureaucratically impossible. CBP’s crime and corruption epidemic collided with the institutional trade-offs made to create DHS; obscure government job descriptions and law enforcement responsibilities, negotiated in the abstract when DHS was being created, meant that Congress didn’t grant CBP the ability or authority to investigate its own employees. Whereas any even moderately sized local police department has an internal affairs department, the nation’s largest law enforcement agency had to refer all misconduct

allegations to either the DHS inspector general, the FBI or ICE—all of which soon found themselves overwhelmed by the flood of CBP problems.

Ronald Hosko, a former FBI assistant director who headed the bureau's criminal division, told me that at one CBP meeting he attended in 2012, top agency officials estimated that perhaps as much as 20 percent of CBP's agent and officer corps needed to be removed from the force. In response, the FBI declared border corruption—e.g., investigating another federal law enforcement agency—as its top priority in combating public corruption.

The flood continued, such that in 2013 the head of the DHS office investigating CBP misconduct in Texas' Rio Grande Valley had fallen so far behind in investigating the rampant misconduct allegations that he began falsifying records—and ended up being indicted himself, along with another agent.

Meanwhile, DHS Secretary Janet Napolitano left CBP rudderless, with a revolving door of non-Senate confirmed, acting leaders. At one point, CBP's top post was vacant, with various officials "acting" as commissioner, for 26 months.

Amid that leadership vacuum, CBP shootings and use-of-force complaints started to rise, too. From 2007 to 2012, more than 1,700 allegations of excessive force were leveled against CBP officers and Border Patrol agents, though the exact number is impossible to reconstruct because the agency's record keeping is so poor. There were more than a hundred shootings, leaving dozens dead, and CBP's standard operation procedure—unlike nearly every other law enforcement agency in the country—was to keep silent about any officer-involved shootings unless specifically asked about them by the media.

Many of those shootings fell far outside the norms of modern policing; an internal report by the Police Executive Research Forum concluded, "Too many cases do not appear to meet the test of objective reasonableness with regard to the use of deadly force." CBP fought releasing the report, refusing to even provide it to Congress, and it was only made public later by the *Los Angeles Times*. Even after the report, the Border Patrol refused to change its rules of engagement.

Similarly, standard hiring practices for other federal law enforcement and intelligence agencies, like candidate polygraphs, were implemented only after the surge. The polygraph exams immediately began to raise questions about the quality of CBP's hiring; some 65 percent of applicants failed, and more than 200 candidates, who would have been hired in the pre-exam hiring surge, admitted to criminal conduct ranging from drug smuggling to

kidnapping and ransoming hostages in the Ivory Coast. One candidate even admitted to wanting to assassinate Obama.

Obama's lone Senate-confirmed CBP commissioner, Gil Kerlikowske—who was in office only for the administration's final two years—represented a rare bright spot in its leadership, a progressive, reform-oriented visionary brought in to confront CBP's by-then legendary corruption and mismanagement. “We had a history of not addressing things as directly as we should,” Kerlikowske told me when he was in office.

Kerlikowske arrived at CBP in the spring of 2014 amid a particularly troubling pattern of CBP-led violence that saw three CBP agents and officers in the Rio Grande Valley charged with murder and attempted murder in separate incidents in just a matter of weeks, including one who kidnapped and raped three Honduran women who surrendered to him while on duty. All three men had been joined CBP during the hiring surge, when standards were low and oversight lax.

Kerlikowske—who had previously helped clean up troubled police departments in places like Seattle and Buffalo and served as Obama's drug czar—allied with the then-new DHS Secretary Jeh Johnson to address the mess at CBP. Johnson finally pushed through the oversight changes that allowed CBP to begin to police its own workforce, and Kerlikowske tried to bring new transparency and good policing practices to CBP.

One of his first moves as commissioner was to ask then-FBI Director James Comey for a top agent to be lent to CBP to help set up an internal affairs capability; Comey sent over Mark Morgan. At the FBI, Morgan had been the special agent in charge of its El Paso Field Office and so was deeply familiar with border issues. “If you wanted someone to take on the challenges outlined in the PERF report, he had all the right credentials,” Kerlikowske says. “Well-established and well thought of, an understanding of the border, plus he's an attorney.”

In May 2014, Kerlikowske released a new use-of-force manual for CBP that brought CBP more in line with other professional police departments around the country; that night, Border Patrol agents in Arizona shot and killed a fleeing, suspected smuggler. The suspect was shot from behind and unarmed.

Then, in July 2016—almost exactly three years ago—Kerlikowske brought Morgan back from the FBI to be chief of the Border Patrol. He was a controversial appointment, the first outsider to run the proud, green-uniformed agency, but Kerlikowske thought it important

to signal a fresh start and passed over the Border Patrol's two top deputies, Ron Vitiello and Carla Provost, who currently holds the role.

“Ron Vitiello or Carla Provost could have easily fit the bill. There's a time and a place to bring in a set of eyes and ears from outside,” Kerlikowske recalls. “Ron was hugely successful in reducing use of force problems, but for the Border Patrol's relationship with Congress, the media and some of the advocacy groups, [appointing Morgan] was a clear signal that change would continue. We'd already been successful on internal affairs and the reduction of use of force, you needed to keep moving forward.”

Morgan hit the ground running, traveling to meet agents and see as much as he could along the border, but time and the administration quickly ran out on Kerlikowske and Morgan's reform agenda. (The use-of-force reforms put into place by Vitello, Morgan and Kerlikowske seem to have stuck: In 2012, CBP was involved in 55 shootings, whereas last year there were just 15.)

Morgan's outsider status and the reform agenda had so angered the Border Patrol union that axing him was No. 1 on its wish list when Trump came into office, swept into the White House in part because of his harsh anti-immigrant, pro-wall rhetoric.

Just days into his presidency, Trump visited DHS—and warmly greeted union president Brandon Judd. Morgan was nowhere to be seen and was gone days later. (Morgan, as Axios has reported, was none too pleased to be cast to the curb. “The fact they are pushing for me to leave immediately is heartless and void of any decency and compassion,” Morgan wrote to Kevin McAleenan, then the No. 2 at CBP. “I am being removed in the name of politics—and politics at its worst.”)

Over the past two years, with the reformers out and the revolving door at CBP spinning again, transparency has regressed under Trump.

While most misconduct allegations dropped in fiscal year 2017, criminal allegations against CBP agents and officers actually jumped 7 percent according to the most recent statistics available. There were 245 CBP agents and officers arrested in fiscal year 2017—meaning that an agent or officer was arrested every 36 hours—including seven employees arrested twice and one employee arrested three times in that single year; as a sign of just how much CBP continues to struggle with the legacy left it by the Bush and Obama administrations, most of those arrested had been brought on during the hiring surge. (Ironically, one agent last year even pleaded guilty to being an undocumented immigrant.)

More recently, there was the Texas Border Patrol agent arrested and charged last year with being a serial killer, responsible, prosecutors say, for the deaths of at least four women, all sex workers, around Laredo, Texas. That agent, Juan David Ortiz, appears to have shot the women with his CBP-issued handgun, a .40-caliber HK P2000.

That an alleged serial killer lurked amid the ranks of the Border Patrol should appear shocking, yet crime and corruption remains so rampant in CBP that Ortiz wasn't even the first agent from his own sector charged with murder that year. Months before, another Border Patrol agent, Ronald Anthony Burgos-Aviles, was arrested and charged with a double homicide, accused of killing his lover and their 1-year-old son; he allegedly stabbed the mother nearly 30 times. Like the three agents and officers arrested in that spring 2014 violence spree, both of the Laredo agents charged with murder last year had joined CBP during the Bush and Obama administration hiring surge.

Use-of-force issues on the job continue to worry critics, too. Even today, it's still not clear how many people have died in encounters with CBP officers and agents; an *Arizona Republic* investigation uncovered at least four people who died in incidents with the Border Patrol that the agency's own records didn't include; more recently, an April investigation this year by ProPublica and the *Los Angeles Times* found 22 people have died and more than 250 people have been injured in recent years in high-speed vehicle pursuits by the Border Patrol, which refused to release those numbers and continues to have vehicle pursuit policies at odds with the standards of progressive police departments across the country.

The union, meanwhile, has often resisted efforts to modernize and update use of force policies and bring more transparency to officer-involved shootings. When CBP announced it would recognize officers and agents who de-escalate confrontations and avoid using deadly force, the union called the new award "despicable" and said it "will get Border Patrol agents killed."

That bellicose attitude is propped up by a long-standing damaging insular culture that tolerates and protects wrongdoers. In 2016, an outside advisory group headed by New York Police Department Commissioner Bill Bratton concluded, "The CBP discipline system is broken." It noted, among other problems, that CBP doesn't have any systems to monitor or suspend employees arrested for domestic violence or alcohol abuse, standard practice for police departments nationwide. Bratton's advisory group noted that CBP's discipline

system was less rigorous, in fact, for its *armed* officers and agents than the Transportation Security Administration's system for its *unarmed* airport screeners.

ProPublica's bombshell revelations this month of a secret CBP Facebook group with some 9,500 members in which current and former Border Patrol agents and CBP officers traded racist memes and misogynistic jokes prompted quick condemnation by leaders like Acting DHS Secretary Kevin McAleenan and Border Patrol Chief Carla Provost. Yet CBP's protestations of outrage about the unprofessional conduct quickly were undermined, first by POLITICO reporting that DHS officials knew about and monitored racist social media posts, perhaps even for as long as three years, and then *The Intercept's* reporting that Provost appeared to participate in the Facebook group herself.

That CBP's internal culture had problems would hardly have been a surprise to agency leaders, right down to the routine dehumanization of the very people they're tasked with helping.

Prosecutors have revealed that the Border Patrol agent set to go on trial next month for running down a border crosser referred to immigrants as "mindless, murdering savages." Border Patrol agents routinely call migrants or detainees "tonks," a moniker that agents joke stems from the sound a detainee's head makes when hit with a flashlight, and such racist terms even surface in the agency's academy.

In 2014, the American Civil Liberties Union filed a complaint with DHS on behalf of 116 children who reported abuse in CBP custody; DHS closed the investigation after just four months, with no outcome. Last year, the ACLU and the University of Chicago followed up with a report called "Neglect and Abuse of Unaccompanied Immigrant Children by U.S. Customs and Border Protection." One child reported being told by a CBP officer, "I am going to take you back to the river so that you can die." Others reported physical and sexual abuse at the hands of CBP employees.

CBP's culture can be so toxic that its own agents and officers speak out, which is what happened in 2017 when employees reported CBP officers at the Newark Airport had set up a "rape table" at the New Jersey airport where officers would sexually assault other officers. In an incident reported last week by CNN, one Border Patrol agent documented an incident in which agents attempted to humiliate a Honduran migrant by forcing him to hold a sign that read, in Spanish, "I like men." The senior agent on site took no action, so the whistleblower agent reported it to more senior officials.

Following the reports earlier this month about the Border Patrol's secret social media group, former agent Jenn Budd posted on Twitter about her disgust with the false outrage mustered by CBP's leadership and Provost, the first woman to head the Border Patrol: "They are shocked to discover a FB page with horrible pics and quotes. My ass!"

As Budd wrote in her thread, "Carla Provost graduated the academy 1month before I entered. We likely had the same instructors. I know she knows the same things I do. Like how some instructors forced female agents to have sex, or they would be fired on their subjective Spanish exams." Her Twitter thread continued with allegations of sexual harassment and assault and of how "agents often set up dates with migrants they've apprehended after they get off duty and meet them in Mexico."

The years of poor management and leadership from DHS, three presidents and Congress itself have been only exacerbated by CBP's unwillingness to reckon with its modern role. Its culture and duties seem part police force, part occupying army and part frontier cavalry. None of those pieces of institutional DNA have equipped agents and management for what has become the Border Patrol's main role over the past five years: Humanitarian relief organization.

Back during the hiring surge, the recruiting campaign and CBP's mission emphasized fighting terrorists and the all-American nature of its work—the Border Patrol sponsored a NASCAR team, and recruited at bull-riding competitions and country music concerts. CBP spent that first decade after 9/11 recruiting and equipping what it touted would be an elite counterterrorism force—the first line of defense against Islamic terrorists and drug cartels. But this only perpetuated a message and culture that has left the agency ill-suited to confront what it actually has to do in the second decade after 9/11: Provide humanitarian aid for women, children and families amid global instability that has strained border forces worldwide.

CBP went out and recruited Rambo, when it turned out the agency needed Mother Teresa.

There is little sign that DHS leadership, particularly under the Trump administration, is willing to consider the depth of agency realignment and reinvestment necessary to match CBP and the Border Patrol with what it finds its current mission to be—nor does there seem to be any appetite inside the Trump administration to address what officials would call the "whole of government" failure to meet the migrant crisis.

Even today, recruiting ads continue to make the Border Patrol look like an action movie, with stirring music and fancy toys, from helicopters to canines to ATVs, and lots and lots of weapons. On CBP's website, "counterterrorism" is listed first under the agency's mission— ahead of "customs" and "immigration," and the first item on the agency's own job description for officers states a "typical assignment" is "detecting and preventing terrorists and terrorist weapons from entering the United States." In its first sentence of the agency's "About" listing, CBP says it "is charged with keeping terrorists and their weapons out of the U.S." Nowhere in its recruiting material does it list anything having to do with "providing humanitarian assistance," "rescuing migrants," or "aiding families and children fleeing drug violence," the tasks that have over the past 10 years have consumed more and more of the Border Patrol's time.

The photo last month of a drowned migrant father and daughter in the Rio Grande drew global attention to the human toll of the migrant surge, but to agents along the border such drama is a near-daily occurrence. Just days later, one of CBP's Twitter accounts posted video of agents aboard a boat performing CPR on a teen pulled from the Rio Grande. In fact, today, its most elite unit, the agency's equivalent of the SEALs or Delta Force, primarily is tasked with rescuing migrants in medical distress.

On July 11, 2016—Mark Morgan's first day as chief of the Border Patrol, almost three years to the day before he'd be back leading all of CBP—I went out on patrol with agents in the Rio Grande Valley, the epicenter of the migrant flood from Central America's Northern Triangle countries—Honduras, El Salvador and Guatemala—that have been beset by gangs and drug-fueled violence and caused hundreds of thousands to flee north.

Back then, in 2016, the challenge was so-called unaccompanied minors, UACs in CBP parlance, children fleeing by themselves; even in 2016, the trend was years old. The Rio Grande Valley alone in 2014 had seen more than a quarter-million migrants. In 2016, the 1,100 or so Border Patrol agents in the RGV sector were stopping upward of 500 a day. That night out on patrol, we detained 37 migrants in 30 minutes, handing ultimately four successive groups of crossers over to other agents. It was all very low drama and routine—agents reaching for clipboards rather than weapons. "It's gonna be a 600, 700 day," said the agent I was accompanying.

The migrant situation has gotten only worse—and the numbers larger—since. In recent years, the flood has been fewer UACs and more family units, with fathers, mothers and children—even grandparents—all crossing together, often turning themselves in at legal crossing points. This spring saw 100,000-plus migrants stopped by CBP each month, dwarfing its capabilities to house the detainees, provide food or medical care. Media and

congressional leaders have swarmed to the border to cover this “emergency crisis,” except that while it’s certainly a crisis, it isn’t really an emergency: It’s been happening every day for years—and McAleenan has been warning about the numbers throughout the Trump presidency.

“Kevin and others have said for months that these numbers are a crisis. It is a crisis,” says Kerlikowske, who had McAleenan as a top deputy as CBP. “They weren’t crying wolf. Kevin isn’t one to do that.”

Indeed, in recent days, official CBP social media accounts have been posting past videos of CBP leaders trying to raise the alarm on the humanitarian crisis. There’s clear frustration that CBP is bearing the brunt of the bad press, when it’s just the start of the problem. ICE and the Department of Health and Human Services are supposed to be responsible for long-term detention and asylum and refugee help, but both agencies are also overwhelmed and unable to accept new migrants or detainees—leaving them to linger and suffer in the overcrowded Border Patrol and CBP facilities like what Vice President Pence toured Friday. Meanwhile, the agencies are all led by a president who governs in sound bites rather than through informed policy processes.

“This is a mess. The men and women in the CBP are being treated absolutely unfairly,” one former Border Patrol leader told me last week, requesting anonymity because of the partisan rancor surrounding his former agency. “The Border Patrol and CBP overall have been warning of what is coming. Nobody listened.” He added: “Do we have children being detained past 72 hours in places they shouldn’t be? That’s not the Border Patrol’s fault.”

The commemorative coin, touting the “New Patrol” focused on feeding children and providing medical care, recognizes what agents fear their lot has become: An exhausted agency, unable to focus on what it think it should be doing, arresting drug smugglers and human traffickers.

Agents who signed up to work outdoors, chasing smugglers through the brush and desert, instead spend long shifts sitting on stools processing paperwork, providing medical care or watching over children and families amid squalid conditions.

The failure to recognize where the Border Patrol’s work was heading represents a systemic failure of imagination and indictment of national leadership—not just at CBP, DHS and the Trump administration but also the Obama administration, and Congress, too. Even as the House and Senate have rushed to negotiate a high-stakes border aid package in recent weeks, it’s worth asking: Why, years after it became apparent that migrants were the

biggest challenge facing CBP and the southern border, did it take a father and daughter drowning in the Rio Grande before Congress would begin providing CBP the resources to meet its critical needs? Why hasn't CBP done more to transform itself on the southern border—to retrain officers and agents, to rebuild facilities, to reform supply chains, to expand medical capabilities? And why aren't leaders more focused on ensuring that ICE and HHS are fulfilling their jobs too? This should be HHS' scandal as much as it is DHS' scandal.

These looming problems were apparent even in 2016 to the hard-nosed leaders of the union. Sitting in his office in McAllen, Texas, local union leader Chris Cabrera told me then how many lives agents saved everyday. “You won't find anyone who rescues more people, saves more aliens' lives, aids more drowning victims or recovers more dead bodies than the Border Patrol,” Cabrera said. “If you look at the Border Patrol, we're the largest humanitarian organization on the Southwest border.”

It was a remarkable statement then—coming amid Trump's heated, racist anti-Mexico campaign rhetoric, as the Border Patrol union became the first union to endorse his candidacy, followed later by ICE's union. Yet that statement today captures the myriad complexities and contradictions rolled into the Trump administration's modern immigration policy.

On the one hand, surely the Border Patrol saves more lives of migrants crossing than any other organization—yet its own inability and failure of leadership and resources to respond to the flood of asylum-seekers means that migrants' lives remain in deadly jeopardy even after crossing the border. At least 12 migrants have died in CBP custody since September, including a Nicaraguan last week. In the decade before, not a single migrant died in CBP custody.

Kerlikowske, who led CBP through that UAC crisis in the Rio Grande Valley, says it's worth considering a wholesale shift in CBP's workforce—one that enlists a civilian workforce alongside the agents to aid and process migrants, leaving the armed law enforcement to focus on the Border Patrol's mission of combating drugs and human trafficking—what patrol parlance calls the “runaways,” rather than the “give-ups.”

“Over these last number of years, it's people turning themselves and looking for someone in a green uniform,” Kerlikowske says. “Is that something you need an armed, trained Border Patrol agent? Could you hire a civilian workforce to do the majority of that review and processing?”

Yet it's proved impossible over the past decade for CBP and DHS to have the long-term leadership able to push through such big changes and reimagining. Morgan is the third CBP leader in just over two years, and the 10th in the agency's 13 years of existence, and the polarization that surrounds immigration and the border under Trump has made Democrats reluctant to support even common-sense changes, investments and improvements along the border.

Today, the Border Patrol has made zero progress toward hiring the 5,000 new agents promised by Trump. One bungled hiring experiment over the past year cost the government \$2 million per recruit and yielded only 33 new agents before it was canceled in April. Because of those recruiting and retention challenges, the Border Patrol is actually *smaller* than it was under Obama, and its pilot ranks specifically are so depleted that it was unable to meet four out of every five requests for helicopter assistance during the Trump presidency. In the lower ranks, recruiting and retention remain a critical problem; CBP recently began offering retention bonuses to stem its attrition rates. Workforce morale too is suffering in the Trump era—and it has never been strong at DHS and CBP, which routinely comes out at the bottom of government workforce surveys.

"The results haven't held up to the hope," one former Border Patrol union official told me, who requested anonymity to speak frankly about sensitive internal political dynamics. "The agents thought they were going to the belles at the ball [under the Trump administration]. Trump is not delivering."

In one of his final appearances before Congress before he too departed this spring, DHS Inspector General John Kelly—not to be confused with the DHS secretary and White House chief of staff of the same name—told lawmakers, "[CBP] will be challenged to achieve their goals. They have not achieved their goals in the past."

When he departed ICE to make room for Morgan, Ron Vitiello was no less blunt: "The system is in a meltdown," he said.

And there's McAleenan himself, who during a March visit to the El Paso border, said: "The breaking point has arrived."