Print Media's Portrayal of Excessive Use of Force by Border Patrol Agents Along the U.S.-Mexico Border

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Dedication

Adelaide Kahn wishes to commemorate this thesis to all of those victimized by Border Patrol violence, and their families.

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Abstract

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This content analysis of articles from three American newspapers (*San Diego Union-Tribune*, *Arizona Daily Star*, and *San Antonio Express News*) between June 1, 2006 and June 30, 2016 sought to determine how excessive force by the Border Patrol along the most southern American border is portrayed by print media. By searching for articles pertaining to "Border Patrol," "use of force," and the names of prominent victims of Border Patrol violence, 306 articles were coded and analyzed. Although there were more similarities than differences across the three newspapers, there were some notable differences pertaining to which sources were most utilized, the type of abuse exhibited by the Border Patrol, weapons attributed to both Border Patrol agents and their victims, and the coverage of investigations and reviews into acts of Border Patrol violence.

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Chapter 1: Introduction

For decades, the U.S.-Mexico border was substantially less enforced than it is today. Kinship and friendship networks spanned both sides of the border, and local residents informally crossed back and forth and enjoyed mutually beneficial economic and social relationships with their neighbors in both countries (Massey, Durand, and Malone 2002). However, border relations between Mexico and the United States began to change in the 1940s, and have continued to evolve over time. Mass labor migration from Mexico to the United States, which tended to be seasonal and male-dominated, increased rapidly from the 1940s onwards (Andreas 2009). Then in the 1980s, Mexico began serving as a highway for cocaine that was being cultivated and processed in South America as US and Colombian authorities began to heavily enforce the Caribbean corridor (Andreas 2009). With the introduction of such a wildly popular and illicit drug on the United States' black market, came untold opportunities for Mexican organized crime groups to profit from drug trafficking operations (Andreas 2009). Consequently, the border region between the United States and Mexico, which to that point had already been a contentious domain, became a target for increased attention and protection (Andreas 2009, Haddal 2010). It was also during the 1980s when policymakers from the US, Mexico, and Canada began convening to discuss what would later become the North American Free Trade Agreement (NAFTA) in 1994 (Hufbauer and Schott 2005).

These cultural, economic, and social changes drastically changed the role of the United States' Border Patrol. From a small organization that mostly focused its energy and resources along the Canadian border to disrupt liquor smuggling operations, the changing conditions along the United States' most southern border from the 1940s

through the 1990s spurred the American government to expand the role of the Border Patrol (Room and West 1998, Andreas 2009, Haddal 2010). The 1990s and 2000s saw greater changes and expansions, first with the implementation of the "prevention through deterrence" strategy in 1994, and especially after September 11, 2001 when the Border Patrol was incorporated into the newly created Department of Homeland Security, becoming a branch of the U.S. Customs and Border Protection (CBP) (Cornelius 2001, Haddal 2010). While CBP is charged with monitoring points of entry into the United States, in addition to other stations located sometimes hundreds of miles from the border, the Border Patrol patrols the huge swaths of often desolate land (and sometimes water) between those ports of entry (Haddal 2010).

The United States continues to be a destination for many trying to seek better lives for themselves and their families. Economic, social, and political conditions in many countries south of the U.S. border have motivated many men, women, and children to undertake the treacherous journey north. However, for as many people trying to find their way into the U.S. (through both legal and illegal means), there are as many Americans who look unfavorably towards unauthorized immigration. This particular sentiment took root in the 1980s and then increased in the 1990s (Andreas 2009). The environment changed slightly after 9/11 when the country as a whole turned its attention to perceived outside threats to the American way of life (Haddal 2010).

According to the U.S. Customs and Border Protection's mission statement, "The priority mission of the Border Patrol is preventing terrorists and terrorist weapons, including weapons of mass destruction, from entering the United States" (U.S. Customs and Border Protection 2015). However, along the southern border, the Border Patrol

devote the majority of this attention to interdicting unauthorized border-crossers in addition to drug smugglers, human smugglers, weapon smugglers, and their caches. Many hundreds of miles of the U.S.-Mexico border are extremely isolated and remote, and deserts lie between cities and towns on both sides. Therefore, the journey can be very hazardous and lethal. Every year many immigrants die trying to cross into the United States; approximately 6,029 between 1998 and 2013 (Brian and Laczko 2014). While most victims are imperiled by the harsh surroundings, some individuals die at the hands of the Border Patrol under what some may consider questionable circumstances.

For the purposes of this research project, I examine how newspapers from three different southern border states portrayed lethal force by Border Patrol agents against people with whom they encountered throughout the course of their day-to-day activities, including unauthorized immigrants, legal permanent residents, and in some cases, U.S. citizens between June 1, 2006 and June 30, 2016. These newspapers are the *San Diego Union-Tribune*, the *Arizona Daily Star*, and the *San Antonio Express News*. The articles I examined primarily encompassed news reports and columns written by staff or commissioned reporters, and a minority of articles were op-eds and editorials. None of the articles were investigative reports or features.[1]

San Diego, Tucson, and South Texas are all critical locations along the U.S.-Mexico border, and each region simultaneously benefits and is hindered by cross-border activity. For example, much of the populations of Nogales (and the Tucson region in general) in Arizona and San Diego in California are reliant on the Border Patrol for

[1] 39% (or 119) of the total articles utilized were produced by the Associated Press (AP): 58% (79 articles) appeared in the *San Diego Union-Tribune*, 13% (14 articles) were published in the *Arizona Daily Star*, 36% (25 articles) were printed in the *San Antonio Express News*.

incomes and job opportunities. In fiscal year 2016, the San Diego sector employed 2,325 agents and the Tucson sector employed 3,834 agents (U.S. Customs and Border Protections 2016). Even before the growth of the Border Patrol though, these border cities and their sister cities in Mexico economically depended on each other, with goods and services regularly crossing back and forth (Massey et al. 2002). With the expansion and militarization of the border though, this has become more difficult and some people find themselves separated from family, services, and potential employment opportunities (Massey et al. 2002). And with the challenges that drug cartels have brought to the southern border region, residents on both sides and Border Patrol agents alike are confronted with violence, corruption, fear, and distrust (Andreas 2009, Slack et al. 2016).

In recent years, there have been four cases of excessive use of force by the Border Patrol that have received a lot of media attention in San Diego, CA, Tucson, AZ, and San Antonio, TX. The first victim is Anastasio Hernández Rojas, a 42-year-old, who on May 28, 2010 was physically abused and tasered by Border Patrol and Customs and Border Protection agents after he was taken into custody for allegedly trying to enter the U.S. without proper authorization. He later died in a hospital, while in the custody of CBP. The second is Sergio Adrian Hernandez Guereca, a 15-year-old who on June 7, 2010 was fatally shot in the head by a Border Patrol agent in Cuidad Juarez while the Border Patrol agent was trying to apprehend an alleged rock-thrower on the U.S. side of the border in El Paso. The third is Guillermo Arevalo Pedraza, a 37-year-old fatally shot by a Border Patrol agent while he and his family were picnicking along the Rio Grande in Nuevo Laredo on September 3, 2012. The agency defended its agent's actions by alleging that rocks were being thrown at the agent, causing him to fear for his life (although witnesses

say no one was throwing anything at the agents). The fourth is Jose Antonio Elena Rodriguez, a 16-year-old who was fatally shot more than ten times in the back by a Border Patrol agent on October 10, 2012. The agency again defended its agent's actions by accusing Rodriguez of throwing rocks at Border Patrol agents across the border from Nogales, Mexico.

During my research, I discovered an additional 17 cases, which were included in the 306 articles that I examined across the three newspapers. My content analysis of these articles sought to answer the following research questions: (1) Are there systematic differences and/or similarities between the way the three newspapers covered use of force by the Border Patrol? (2) How is the issue of use of force and the resulting consequences for offending Border Patrol agents framed? Peter Andreas, a longtime scholar on international studies and author of *Border Games: Policing the U.S.-Mexico Divide*, argues that, "Public perception is powerfully shaped by the images of the border which politicians, law enforcement agencies, and the media project" (Andreas 2009:29). Thus (3) do newspaper articles cater to one particular "image" or a variety of images?

Chapter 2: Background

Brief History of the Border Patrol

Although a form of the Border Patrol has existed since the 1920s, the federal government was largely unconcerned with the military preparedness of the agents who patrolled the Border (Hernández 2010). From the 1940s through the 1960s, the United States and Mexico were engaged in the mutually beneficial Bracero Program, whereby able-bodied Mexican men could get temporary permits to work in the United States (Andreas 2009). However, the Bracero Program had the unintended consequence of

encouraging unauthorized migration across the border, and "large numbers of workers made their way across [the border] without going through the formal channels of the [Bracero] recruitment process" (Andreas 2009:53). According to Andreas, the Eisenhower administration responded to this massive influx of unauthorized migrants who were not part of the Bracero Program by launching "Operation Wetback" in 1954, which "resulted in the deportation of hundreds of thousands of Mexicans" (Andreas 2009:53). Despite this however, the Bracero Program continued to flourish until evidence materialized that employers were taking advantage of their migrant workers. In 1964, in part because of the atrocities that were taking place and in part because of pressures from American labor unions, the Johnson administration ended the guest-worker program (Andreas 2009). As there was not an immediate replacement for the program and the government felt that it could no longer be blamed for the "deplorable working conditions" that migrant laborers suffered under, unauthorized immigration thrived in the 1960s and 1970s. The Mexican government for its part all but encouraged unauthorized migration to the United States because it helped staunch Mexico's unemployment problem (Andreas 2009:53).

It wasn't until the 1980s that the U.S. government again took a large step to try to discourage unlawful migration with the Immigration Reform and Control Act (IRCA). "IRCA introduced employer sanctions for the first time, authorized an expansion of the Border Patrol, and offered a general legalization program" (Andreas 2009:58). However, IRCA had several unintended consequences, two of which reinforced each other and would later come to have incalculable consequences. The first was that "many onetime immigrants who had gone back to Mexico returned to claim legalization papers. And

those who were legalized under IRCA helped facilitate the arrival of new illegal immigrants" (Andreas 2009:58). Because of IRCA, more than 2 million Mexicans immigrants became legalized in the U.S., but the number of people arriving daily from Mexico was growing (it was alleged that as many as 6,000 migrants attempted to cross into San Diego a day) (Haddal 2010). This in turn led to the second unintended consequence, which took the form of an anti-immigrant backlash in the 1990s (Andreas 2009).

In 1994 Canada, Mexico, and the United States entered into the North American Free Trade Agreement, which was created to encourage economic cooperation between member countries. With the creation of NAFTA, American manufacturers could take advantage of Mexico's "inexpensive labor force [and] geographic proximity to the U.S" (Eaton 1997:337). In exchange, American goods became more affordable for Mexican consumers (Eaton 1997, Holmes 2013). Although one of the tenets of NAFTA was to stimulate economic growth and trade in member countries, there was a concurrent concern that the increased flow of goods across the border might mean a simultaneous surge in the amount of illicit goods flooding the U.S. market. Although the U.S.-Mexican border had long been an area with intense smuggling, the 1980s saw a surge in the amount of drugs trafficked through Mexico from the Caribbean and South America (Andreas 2009). With intense focus being paid to the drug networks in South America (primarily Colombia) and the Caribbean islands, which served as launching pads for the shipment by air of cocaine, Mexican smugglers became a natural ally to the drug cartels who were looking for a way to bypass the Drug Enforcement Administration (DEA) and its agents in Colombia (Andreas 2009). Thus, in the years prior to the signing of NAFTA,

the U.S. and the Mexican governments turned their attentions back to the U.S.-Mexican border, and the region was labeled a "High Intensity Drug Trafficking Area" in 1990 (Andreas 2009:75). In fiscal year 1990-1991, the U.S. government's National Defense Authorization Act (NDAA) enabled funding for the National Guard to partake in missions to intercept drug smuggling activities and monitor cargo inspections at ports of entry (Andreas 2009). The increased military presence coupled with a similar crackdown on drug trafficking by Mexican authorities enabled skeptics to believe that NAFTA wouldn't necessarily mean a free-for-all through the border between the U.S. and Mexico. However, as one government official stated in a *New York Times* article published in on July 31, 1995, "'once Bush and Salinas [then-President of Mexico] decided to go with NAFTA as the No. 1 goal, then everything else had to be made manageable'" (Andreas 2009:76-77).

As mentioned above, the 1990s saw increasing anti-immigrant sentiments, which, along with concerns about drug trafficking, prompted more serious rhetoric in Washington regarding border security. Through a series of operations, Washington (with the help of a few disgruntled Border Patrol chiefs) dictated a new course of action for the Border Patrol: prevention through deterrence. On September 19, 1993, the Chief Border Patrol agent for the El Paso Sector, a man named Silvestre Reyes, implemented Operation Blockade, which was meant to "discourage the unregulated flow of illegal migration of individuals from Mexico into El Paso and the United States by stopping people *before* [italics added for emphasis] they crossed the border" (Bean et al. 1994:7). Up to that point, migrants who had allegedly crossed illegally into the United States were usually apprehended *after* they had crossed into the United States, as opposed to as they

were attempting to do so (Cornelius 2001). Chief Reyes a) physically placed his agents all along the border in his sector, close enough so that each set of agents (or single agent) was in sight of the one next to him or her; b) deployed four helicopters to "coordinate deterrent efforts" with their counterparts on the ground; and c) tasked other agents with repairing the 9-mile-long border fence, "which had numerous holes and was breachable [sic] in some 125 locations" (Bean et al. 1994:8). Although the mission ended up being extremely costly, it was perceived as a success and "the strategy continued to be implemented [under the name] Operation Hold the Line because the military-sounding term 'blockade' had offended community leaders in both El Paso and Juárez" (Bean et al. 1994:10). Thus, the concept of "prevention through deterrence" became the strategy:

> "[R]aising the cost, the physical risk, and the probability of apprehension on each entry attempt would eventually discourage the migrant and cause him (or her) to return to the location of origin. Better yet, the prospective unauthorized US-bound migrant would be deterred from leaving his home community in the first place" (Cornelius 2001:667).

A little over a year after the launch of Operation Hold the Line (né Operation Blockade) came the launch of Operation Gatekeeper on October 1, 1994. This time, the operation was centered near San Diego, California, where it was believed that as many as 6,000 unauthorized migrants tried to cross the almost 8-mile-stretch of land daily (Haddal 2010). The main tenet this time was to "channel the flow of unauthorized immigrants eastward to relatively rugged terrain and sparsely populated areas where it is more difficult to cross and easier to apprehend those who persist[ed] in trying" (Jardine 1998:329). Operations Hold the Line and Gatekeeper were soon followed by Operation Safegaurd in 1995, which was centered in Tucson, Arizona, and Operation Rio Grande in 1997, which focused on the Laredo and McAllen sectors of Texas (Haddal 2010,

Martínez et al. 2014). Again, these operations were all perceived as successes because they initially did cut down on the number of unauthorized migrants passing through urban border crossings. Soon, Congress was allocating more funds to the Border Patrol. [2]

Although the Border Patrol's strategies through the 1990s sparked debate, with some scholars and experts arguing that they were doing more harm than good (or at the very least weren't as effective as they were touted to be), they continued to remain popular in government (Jardine, 1998, Cornelius 2001). And then the nation was rocked by the world's largest terrorist attack on September 11, 2001, cementing many sentiments regarding the necessity of closing off American borders from anything perceived as a "threat" (Haddal 2010). As briefly mentioned above, following the terrorist attack on 9/11 the Border Patrol was incorporated into the newly created Department of Homeland Security as an arm of Customs and Border Protection. In addition to its primary mission to guard the border against unauthorized migration and smuggling operations, the border is now seen by some (including those with political clout) as a potential means for exploitation by terrorists and terrorist organizations (Haddal 2010). Indeed, the focus of the Border Patrol changed to include "detection, apprehension and/or deterrence of terrorists and terrorist weapons…[however]…its overall mission remains unchanged: to detect and prevent the illegal entry of aliens into the United States" (Haddal 2010:Summary, U.S. Customs and Border Protection 2015). Although there hasn't been

[2] According to Chad Haddal, a Specialist in Immigration Policy who authored "Border Security: The Role of the U.S. Border Patrol" for members and committees of Congress in 2010: "Border Patrol agent manpower assigned to the Southwest border has been increasing steadily since the early 1990s. In 1992, there were 3,555 agents assigned to the southern border, by 2000 that number had increased by 141% to 8,580. Since 2000, the number of agents assigned to the southern border has continued to increase, more than doubling once more to 20,119 agents at the end of FY2009" (Haddal, 2010:13).

any evidence of terrorists crossing into the U.S. through Mexico (though indeed there have been some attempts made through Canada), it is continuously used as one argument for not relenting on border protection along the U.S.-Mexico border (Andreas 2003, Golash-Boza 2009, Haddal 2010).

In all, there are 9 sectors covering the southern U.S. border.[3] All the sectors sport different characteristics. For example, the San Diego sector incudes the San Ysidro Port of Entry, which is one of the most heavily trafficked and also one of the most heavily fortified border crossings in the western hemisphere (Andreas 2009). Others like the Tucson sector are characterized by heavy drug trafficking, with drug cartels favoring the rugged and scarcely developed landscape and blistering summer heat (U.S. Department of Justice 2010, U.S. Customs and Border Protection 2016). The border along the four sectors in Texas (Big Bend, Del Rio, Laredo, and Rio Grande Valley) is delineated by the Rio Grande that serves as a natural border between the U.S. and Mexico.

Border Patrol statistics are broken down by border sector, and as mentioned above, Customs and Border Protection are stationed at border crossings and certain inland checkpoints, whereas the Border Patrol monitors the terrain in between ports of entry (Haddal 2010). Often in more remote areas, this might mean that a single agent or a pair of agents is patrolling a large swath of land with backup sometimes many miles away. Since border demarcations in the form of fences, walls, posts, or signs might be devoid of cameras, sensors, or other forms of deterrence, patrolling these remote regions

[3] As of fiscal year 2016, the Border Patrol employed 17,026 agents in the Southwestern Border Sectors. (To give perspective, the Northern Border Sector comprised 2,059 agents.) For the purposes of patrol and monitoring, the U.S. is divided into over a dozen border sectors, each covering a section of the country (U.S. Customs and Border Protection 2016).

can feel very isolating and vulnerable. To differentiate the Border Patrol from other forms of policing, Border Patrol spokespeople like to point out that patrolling the border is nothing like policing in an urban setting. This defense is sometimes used when Border Patrol agents come under scrutiny for their use of lethal force against actions that others would deem excessive for the conditions. Chief among these examples of when Border Patrol agents controversially respond with lethal force is in response to people throwing rocks at or in the direction of agents. On page 3 of the "Use of Force Policy, Guidelines and Procedures Handbook," use of deadly force policy is permissible "only when the officer/agent has a reasonable belief that the subject of such force poses an imminent danger of serious physical injury or death to the officer/agent or to another person" (Handbook, 2014:3). Serious injury is defined as "injury which creates a substantial risk of death or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ or structure or involves serious concussive impact to the head" (Handbook 2014:3). Currently, the Border Patrol believes that their agents are imminent danger for their lives when confronted with rock throwing, which has been controversial.

Migrant Deaths and a Modern Border Patrol

There has been a lot of literature about how the government and Border Patrol's efforts to prevent unauthorized migration through deterrence has been folly and has created problems that may not have existed otherwise. In 1998 Matthew Jardine argued that, Operation Gatekeeper (which, as described above, was a broader implementation of Operation Hold the Line and the official embrace of prevention through deterrence) "tries to erase the reality of a social geographical order that defies neat national divisions [by]

imposing a narrow notion of citizenship on people on both sides of the international boundary" (Jardine 1998:334). Eleven years later, Tonya Golash-Boza, a professor and scholar who has written extensively about immigration policy, human rights, and racial identity, suggested that there exists an "immigration industrial complex," which is the "confluence of public and private sector interests in the criminalization of undocumented migration, immigration law enforcement, and the promotion of 'anti-illegal' rhetoric" (Golash-Boza 2009:295). She argues that this complex has three major principles: "a) a rhetoric of fear; b) the convergence of powerful interests; and c) a discourse of other-ization" (Golash-Boza 2009:295). Although Jardine's thesis predates Golash-Boza's by more than ten years, it is clear that the ramifications of prevention through deterrence have escalated, and no one has paid the price more than migrants.

Starting with Operations Hold the Line and Gatekeeper, migrants trying to illegally enter the U.S. from Mexico were forced to try to do so in more remote and oftentimes dangerous locations far from CBP checkpoints, cities, and roaming Border Patrol agents. "Segmented border militarization has resulted in the 'funnel effect,' or the redistribution of migratory flows away from traditional urban crossing points into remote and dangerous areas such as the deserts of southern Arizona" (Martínez et al. 2014:262). For some, this means almost certain death, and although "the true number of deaths of migrants in transit is unknown…the existing numbers, thought to be incomplete, are in the thousands" (Reineke and Martínez 2014:45). In an assessment of corpses found in the desert regions of the border, the leading cause of death between 1990 and 1999 was exposure to the elements (Martínez et al. 2014). Between 2000 and 2013, exposure to the elements was the second most common cause of death determined by autopsy, with the

majority of deaths categorized as "undetermined" because of body decomposition (Martínez et al. 2014). But for those who are not killed by the elements, crossing through remote regions also means putting oneself at the mercy of kidnappers, violent drug cartels, thieves, and Border Patrol agents (Slack and Whiteford 2011). According to Jeremy Slack and Scott Whiteford, border crossers are also sometimes forced to participate in the drug trade, the sex industry, robbery, and human smuggling to "defray the costs of undocumented crossing and recuperate losses that need to be repaid to moneylenders at home" (Slack and Whiteford 2011:12). Families are often broken or separated for long periods of time either because the cost (both physically and monetarily) is too high to bring entire families across the border at once, or because they get separated during the journey (Slack et al. 2016). In some cases, the Border Patrol agents themselves are responsible for family separation (Trevizo 2013b, Prendergast 2015a).

Regarding the Border Patrol, the ACLU records 55 fatalities at the hands of the Border Patrol between 2010 and 2016 (American Civil Liberties Union 2017). 50 of those encounters are classified as "use of force deaths," with the remaining 5 characterized as "medical related" (American Civil Liberties Union 2017). 6 of the victims were physically standing in Mexico when killed by Border Patrol agents, 9 were allegedly throwing rocks at the time of their deaths, 7 fatalities occurred while the agent was off duty, and 19 of the victims were U.S. citizens (American Civil Liberties Union 2017). By state, 20 victims were killed in the Texas border region, 14 in California, and 12 in Arizona (American Civil Liberties Union 2017). Besides being directly responsible for these fatal encounters, the Border Patrol has demonstrated numerous incidents of

physical and verbal abuse, which it is want to address because the complaint process is so abysmal (Martínez, Slack, and Heyman 2013, Slack et al. 2016, Cantor and Ewing 2017).

While content analyses are a common method undertaken in order to "look at the way messages change over time and vary across mediums and outlets," no one has yet conducted a content analysis on how the issue of excessive use of force by the Border Patrol has been portrayed in newspapers across the southern border region of the United States (Pew Research Center 2017:1). However, there have been numerous empirical studies undertaken to examine the mistreatment of migrants while in U.S. custody (Martínez et al. 2013), migrant fatalities along the border between the U.S. and Mexico (Reineke and Martínez 2014), and lack of accountability with regard to the Border Patrol's failure to address complaints of abuse (Martínez et al. 2014, Cantor and Ewing 2017). All of these studies suggest that abuse (including physical, verbal, and psychological) is rather routine and commonplace within the Border Patrol and Customs and Border Protection (Martínez et al. 2013, Rieneke and Martinez 2014, Martínez et al. 2014, Cantor and Ewing 2017).

Framing

Journalism (especially print journalism) has changed in the last few decades with the explosion of social media and the ready accessibility of the Internet (Cahill and Ward 2007). In his study analyzing the types of sources most utilized by local newspapers, Brian Fogarty notes that "online news sites are less beholden to the norms of journalism," which translates into a "wider use of unofficial sources" (Fogarty 2012:282). Coupled with this, is the fact that in the late 1990s, journalists largely shifted towards "'just-the-

facts'" style of reporting and less investigative journalism (Pew Research Center 1998, Mindich 1998, Zavisca 2016).

But despite these changes, newspaper articles are still *framed* to help guide the reader towards a certain interpretation of events. Robert Entman posits that framing is "the process of culling a few elements of perceived reality and assembling a narrative that highlights connections among them to promote a particular interpretation" (Entman 2007:164). The way something is framed suggests that, "emotions can be manipulated by providing people with different types of information, or by highlighting some aspects of an issue at the expense of others" (Gross and D'Ambrosio 2004:21, Entman 2007). Furthermore, "frames introduce or raise the salience or apparent importance of certain ideas, activating schemas that encourage target audiences to think, feel, and decide in a particular way" (Entman 2007:164). This can be further exploited considering the types of sources utilized by the journalist (Fogarty 2012). Research shows that in both national and local news coverage, "official and nonlocal sources" are frequently utilized to add legitimacy to a certain topic and elevate its perception to the populace (Fogarty 2012:275).

In addition to framing, journalists are often responding to the effects of agenda-setting (which might occur when someone in position of power would like to influence the public) and priming, whereby the way in which something is framed alters "audience members' interpretations and preferences" towards an issue (Iyengar and Simon 1993, Kim, Scheufele, and Shanahan 2002:8, Entman 2007). These modus-operandi are important when considering public policy, issues of national security, and the other topics of interest to the American populace. David Strömberg and James M. Snyder, Jr. posit

that, "media access may matter if the *information* [sic] provided by media influences collective behavior – such as voting decisions – because policy makers will have a strong incentive to accommodate the concerns of the informed" (Strömberg and Snyder 2008:17). Additionally, Kim et al. suggest that, "media coverage of politics has consistently been shown to have a wide range of more subtle influences on what or how citizens think about political issues" (Kim et al. 2002:7, Fogarty 2012).

Traditionally, police organizations have engaged with the media because they see it as a way of enhancing the legitimacy of their departments and activities (Chermak and Weiss 2005). Likewise, the news media benefits from their relationship with law enforcement because the police typically have sole possession of crime-related information desired by reporters that lead to an increase in their overall readership (particularly if certain media outlets are granted more access than others), but law enforcement is seen as an "official" source, which in turn guides the way an issue might be framed and an agenda might be set (Chermak and Wiess 2005, Entman 2007, Fogarty 2012). The credibility of government sources (of which law enforcement is a part) does not need to be established because it is legitimized by its very characterization (Fogarty 2012). Despite the fact that it has a mission that differs from most traditional law enforcement agencies, the Border Patrol is considered to be a federal law enforcement agency (U.S. Customs and Border Protection 2015).

Chapter 3: Research Methods

This study uses a content analysis of 306 articles from three newspapers, the *San Diego Union-Tribune* (134 articles), the *Arizona Daily Star* (104 articles), and the *San*

Antonio Express News (68 articles). The timeframe was June 1, 2006 to June 30, 2016.[4] While the newspapers I utilized have more of a local readership than the New York Times or the Wall Street Journal, all three newspapers are owned and published by giant corporations that collectively cover a vast number of news media that is available to the wider public.[5]

To access these articles, I went directly to the online database provided by each newspapers' website.[6] Over the course of gathering data, I realized that "border patrol" and "use of force" searched for together did not identify all the articles that may have pertained to the topic for which I was searching. Thus, I consulted the ACLU's "Deaths

[4] June 1, 2006 was chosen as the start date because following the failure of the 109th Congress to come to an agreement over immigration reform (e.g. H.R. 4437, Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 passed in the House and then died in the Senate, and then S. 2611, Comprehensive Immigration Reform Act of 2006 passed in the Senate and then died in the House) caused hundreds of thousands of people in major cities to take to the streets in protests that were dubbed "Day Without Immigrants" (Gorman et al 2006, Archibold 2006). Since then, numerous bills have come before Congress (including S.B. 744 in 2013) to try to reform the immigration system in the U.S. June 30, 2016 was chosen as the end date because I wanted to examine the coverage of excessive use of force by the Border Patrol over a ten year period, and some of the cases against offending Border Patrol agents (e.g. Agent Jesus Mesa Jr., who killed Sergio Adrian Hernandez Guereca in 2010, and Agent Lonnie Swartz, who killed Jose Antonio Elena Rodriguez in 2012) are still ongoing. In the case of Sergio Adrian Hernandez Guereca, the Supreme Court of the United States has agreed to hear the case in October 2017 (Wolf 2017).

[5] The *San Diego Union-Tribune* is owned by Tronc, which also owns the Los Angeles Times, the Chicago Tribune, and the Baltimore Sun among others (Koren 2016). The *Arizona Daily Star* is co-owned by Lee Enterprises and Gannett, which owns USA Today among other notable publications. Finally, the *San Antonio Express News* is owned and operated by Hearst Communications, which is one of the largest American media companies and owner of almost 360 businesses.

[6] I did not use LexisNexis, ProQuest, or any other similar database to search for articles because the *San Antonio Express News* and the *San Diego Union-Tribune* were not archived on either one, nor could they be found on any comparable database. Although I could find articles from the *Arizona Daily Star* on ProQuest, I decided to use the newspapers' own archives databases on the websites for all three newspapers in order to equalize the data collection process.

and Injuries in CBP encounters since 2010," a list compiled and last updated on May 19, 2016 (American Civil Liberties Union 2016). The list includes names of those victimized both along the northern and southern borders, but I only concerned myself with the names of those who were killed or injured along the southern American border. However, I exercised some discretion even here because I only wanted to include cases involving those who were either Mexican or American nationals but were of Latino descent; where the circumstances surrounding their deaths were murky; those which primarily involved the Border Patrol (the one exception would be Anastasio Hernandez Rojas, who was physically beaten and in the presence of Custom and Border Protection agents, and Immigration and Custom Enforcement agents in addition to Border Patrol agents) (Davis 2015); and incidents where the victim was explicitly named. I excluded crime-of-passion incidents involving Border Patrol agents either killed in shootouts with family members of those affiliated with loved ones. Not all of the pertinent names on the list provided by the ACLU turned up results when I searched for them in each of the newspapers' databases, and thus those were not included.[7] In many cases, the articles I searched for by name of victim turned up results that also came up when I searched for "border patrol" and "use of force." If that was the case, they were only counted once.

In all three cases, I was able to input a search query for articles within a certain time frame, and I utilized the following phrases in quotation marks to find relevant articles: "Amaro Lopez" (2 articles); "Anastasio Hernandez" (51 articles); "border patrol" and "use of force" (151 articles); "Carlos LaMadrid" (10 articles); "Francisco Ceseña" (4

[7] As an aside, some of the victims shared names with professional soccer players, and thus some of the search results within the newspapers' databases pulled up articles on them. These were of course excluded for the purposes of this study.

articles); “Gabriel Sanchez Velazquez” (1 article); “Graciela Lopez Franco” (1 article); “Guillermo Arévalo Pedroza” (1 article); “Jesus Castro Romo” (3 articles); “Jesus Flores Cruz” (3 articles); “Jorge Solis-Palma” (1 article); “Jose Alfredo Yanez Reyes” (1 article); “Jose Antonio Elena Rodriguez” (38 articles); “Jose Francisco Rodriguez Palacios Paz” (4 articles); “Jose Gutierrez Guzman” (2 articles); “Juan Pablo Perez Soto” (1 article); “Margarito Lopez Morelos” (1 article); “Ramses Barron Torres” (12 articles); “Sergio Adrian Hernandez-Guereca” (10 articles); and “Sergio Adrian Hernandez” (9 articles). The majority of the articles were published between 2010 and 2016.[8]

The bedrock codes[9] I found most prevalent (and relevant) are as follows:

- Types of sources utilized by journalists;
- Physical abuse by the Border Patrol;
- Accountability for fatality at the hands of the Border Patrol;
- Transparency with regard to information released (or not released) by the Border Patrol;
- Types of weapons mentioned, and who used said weapons;
- Investigations, reviews, and lawsuits carried out regarding use of force by the Border Patrol;
- Sanctions carried out against Border Patrol agents who exhibited excessive use of force; and

[8] In the course of acquiring articles for my database, I came across articles that may have mentioned the Border Patrol, but primarily focused on immigration laws and did not mention use of force by the Border Patrol at all. These articles were not included in my database, as I have chosen not to examine use of force by the Border Patrol in the broader context of immigration laws.

[9] Almost all of the bedrock codes that I created had at least one sub-code. The relevant sub-codes will be discussed in more detail in the “Findings” section.

- Policy recommendations.

Chi-square tests were run to ascertain whether or not there were any significant differences between the portrayals of use of force by the Border Patrol in the three newspapers.

Chapter 4: Findings and Discussion

Recall that the research question addresses whether there are systematic differences and/or similarities between the way the San Diego Union-Tribune, the Arizona Daily Star, and the San Antonio Express News covered use-of-force by the Border Patrol. In the process of coding all 306 articles, the major bedrock themes that emerged that addressed this question were: a) what types of sources were utilized by each of the three newspapers, b) mentions of physical abuse by the Border Patrol, c) mentions of accountability or d) transparency, and e) mentions of weapons, including what kind of weapon was allegedly used and who it was attributed to. There were 29 sub-codes within the sources bedrock code, but I will only discuss the ones that were most prevalent, surprising, or relevant to the coverage of the Border Patrol's use of force. Physical abuse by the Border Patrol did not have any sub-codes, but there were sub-codes for accountability, transparency, and weapons.

Sources

Table 1

	Total Sample	***San Diego Union-Tribune***	***Arizona Daily Star***	***San Antonio Express News***	**Chi-Squared Significance Level**
Sources	**79.7**	**76.9**	**84.6**	**77.9**	**NS**
Border Patrol spokesperson/Commanding officer	*31.1*	*32.8*	*26*	*35.3*	*NS*

Attorney representing Border Patrol agent	*6.2*	*2.2*	*11.5*	*5.9*	*
Attorney representing injured party	*14.4*	*11.9*	*20.2*	*10.3*	*NS*
Border Patrol union representative	*19.3*	*20.9*	*12.5*	*26.5*	*†*
Family of the victim	*16*	*17.2*	*17.3*	*11.8*	*NS*
Federal law enforcement	*4.9*	*1.5*	*8.7*	*5.9*	*
Local law enforcement	*3.3*	*1.5*	*7.7*	*0*	**
American government official	*16.3*	*19.4*	*8.7*	*22.1*	*
Mexican government official	*16.7*	*17.2*	*15.4*	*17.7*	*NS*
NGOs or activist	*32.4*	*40.3*	*18.3*	*38.2*	***
Prosecutor	*7.2*	*4.5*	*14.4*	*1.5*	**

† p < 0.10, p < 0.05, ** p < 0.01, *** p < 0.001*; NS = Not statistically significant

Overall, at least one source was mentioned in 79.7% of all of the articles examined. 76.9% of articles from the *San Diego Union-Tribune,* 84.6% of articles from the *Arizona Daily Star* and 77.9% of articles from the *San Antonio Express News* mentioned a source. Although the *Arizona Daily Star* had the highest percentage of mentions of a source, there were no notable differences between mentions, and thus it is not statistically significant. One of the most common sources mentioned were Border Patrol spokespeople, which included active duty representatives speaking on behalf of the agency and chief officers. This did not include individual Border Patrol agents, nor did it include former Border Patrol employees. Overall, this source appeared in 31.1% of all articles, with no notable differences in mentions between the three newspapers. 32.8% of articles in the *San Diego Union-Tribune*, 26% of articles in the *Arizona Daily Star*, and 35.5% of articles from the *San Antonio Express News* utilized as a source a Border Patrol active duty spokesperson or chief officer.

Attorneys representing Border Patrol agents were not prevalent sources. Only 6.2% of all articles included them as a source, but there was some variance between the individual newspapers: whereas the *Arizona Daily Star* utilized Border Patrol attorneys as a source in 11.5% of the articles collected, the *San Diego Union-Tribune* utilized them in only 2.2% of articles, and the *San Antonio Express News* utilized them in 5.9%. This particular sub-code is statistically significant, with $p < 0.05$. By contrast, articles that utilized attorney's representing an injured party (which in most cases were family members who were filing lawsuits on behalf of their loved ones who were killed by Border Patrol agents) included 14.4% of all articles. There was not enough variance between the three newspapers to merit statistical significance, but the *San Diego Union-Tribune* utilized this source in 11.9% of articles, the *Arizona Daily Star* utilized them in 20.2% of articles, and the *San Antonio Express News* utilized them in 10.3% of articles.

Border Patrol union representatives were utilized as a source in 19.3% of all articles. There was a slightly significant variance ($p < 0.10$) between the three newspapers in terms of mentions, with 20.9% of *San Diego Union-Tribune* articles, 12.5% of *Arizona Daily Star* articles, and 26.5% of *San Antonio Express News* articles all including this source. Family members were quoted in 16% of all articles from all three newspapers, and there was no significant differences between their utilization: 17.2% in the *San Diego Union-Tribune*, 17.3% in the *Arizona Daily Star*, and 11.8% in the *San Antonio Express News*.

Federal law enforcement officials were utilized as sources in 4.9% of total articles in all three newspapers, with some significant differences between utilization ($p < 0.05$): only 1.5% of articles from the *San Diego Union-Tribune* credited federal law

enforcement as a source, whereas 8.7% of articles from the *Arizona Daily Star* and 5.9% of articles from the *San Antonio Express News* utilized them as a source. Similarly, local law enforcement was only utilized as a source in 3.3% of all articles across the three newspapers, but there was significant variation between its utilization: 1.5% in the *San Diego Union-Tribune*, 7.7% in the *Arizona Daily Star*, and none in the *San Antonio Express News*. Again, this is statistically significant with $p < 0.01$.

American government officials (which included both non-Department of Homeland Security federal sources and sources from the Department of Homeland Security) appeared in 16.3% of all articles across the three newspapers. Individually, the *San Diego Union-Tribune* utilized this type of source in 19.4% of articles, the *Arizona Daily Star* quoted them in only 8.7% of articles, and the *San Antonio Express News* utilized this source in 22.1% of articles. This is statistically significant, with $p < 0.01$. Mexican government officials were utilized as sources in 16.7% of all articles, with utilizations in 17.2% of articles in the *San Diego Union-Tribune*, 15.4% of articles in the *Arizona Daily Star*, and 17.7% of articles in the *San Antonio Express News*. This was not statistically significant.

The inclusion of sources from non-governmental organizations and activists were prevalent, with mentions in 32.4% of all articles. 40.3% of articles in the *San Diego Union-Tribune*, 18.3% of articles in the *Arizona Daily Star*, and 38.2% of articles in the *San Antonio Daily Star*. This code is very statistically significant with $p < 0.001$, and is the most surprising finding in this section. Whereas the press has a history of favoring sources with political authority or who have a strong presence in the community (such as law enforcement) (Chermak and Weiss 2005, Fogarty 2012), the *San Diego Union-*

Tribune and the *San Antonio Express News* in particular provide a platform for spokespeople who tend to have a strong opinion that steers away from that tradition. Many of those who are quoted are affiliated with the American Civil Liberties Union (or the ACLU), and advocate justice for the victims of Border Patrol use of force. For example,

> "'Jose Antonio's death is unfortunately not unique,' Lee Gelant, an attorney with the ACLU's Immigrants' Rights Project, said in a news release. 'Border Patrol is using excessive and unnecessary force against people on both sides of the border. Agents continue to violate the Constitution with impunity" (Cruz 2014).

Others are from local advocacy groups that focus specifically on ending the maltreatment by the Border Patrol and CBP.

> "'Knowingly hiring bad apples, having a policy of shooting first and asking questions later, being accountable to no one, all point to an agency that is out of control,' said Christian Ramirez, human rights director at Southern Border Communities Coalition, an immigrant advocacy group" (Marosi 2012).

According to a study conducted by Pew Research Center in 1998, critics of journalism believe that there is strong evidence that newsprint has a liberal bias, and is a reflection of the "personal characteristics of journalists" (Pew Research Center 1998:3). This might indeed be the case, but it is also true that despite the high percentages of NGOs and activists utilized as sources, the majority of sources taken collectively in all three newspapers are affiliated with the government.

Finally, prosecutors were mentioned as sources in 7.2% of total articles. 4.5% of articles in the *San Diego Union-Tribune*, 14.4% of articles in the *Arizona Daily Star*, and 1.5% of articles in the *San Antonio Express News* utilized prosecutors as a sources, which is statistically significant with $p < 0.01$.

Physical Abuse

Table 2

	Total Sample	*San Diego Union-Tribune*	*Arizona Daily Star*	*San Antonio Express News*	Chi-Squared Significance Level
Physical abuse by Border Patrol	**12.8**	**23.9**	**2.9**	**5.9**	***

† p < 0.10, p < 0.05, ** p < 0.01, *** p < 0.001*; NS = Not statistically significant

Although physical abuse by the Border Patrol only appeared in 12.8% of all articles, there were notable differences in mentions between the three newspapers. Nearly 24% of articles I examined from the *San Diego Union-Tribune* mentioned physical abuse by Border Patrol, while only 2.9% of *Arizona Daily Star* articles and 5.9% of *San Antonio Express News* articles mentioned the topic. This is statistically significant with $p < 0.001$. This difference likely stems from one specific case. On May 28th, 2010, Anastasio "Hernandez Rojas was tased [sic] and beaten while in Border Patrol custody [at the San Ysidro Port of Entry near San Diego]" (Aguilera 2012c). A pending lawsuit suggests "there were 20 to 25 agents taking part in beating Hernandez Rojas and that he was lying on the ground when he was tased" (Aguilera 2012b). The other two newspapers did not mention physical abuse in relation to Anastasio Hernandez Rojas, but instead either referred to another case or to the concept of physical abuse by the Border Patrol more generally. For example, in the *San Antonio Express News*, "the group found that 78 percent of the complaints against Border Patrol agents concerned physical abuse of excessive use of force" (The Associated Press 2014).

Accountability and Transparency

Table 3

	Total Sample	*San Diego Union-Tribune*	*Arizona Daily Star*	*San Antonio Express News*	Chi-Squared Significance Level
Accountability	**29.4**	**29.1**	**32.7**	**25**	**NS**
Lack of	*25.8*	*26.9*	*25*	*25*	*NS*
Proof of	*3.6*	*2.4*	*7.7*	*0*	*
Transparency	**39.5**	**33.6**	**46.2**	**41.2**	**NS**
Lack of	*35.3*	*29.1*	*41.3*	*38.2*	*NS*
Proof of	*10.8*	*9.7*	*9.6*	*14.7*	*NS*

† $p < 0.10$, $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$*; NS = Not statistically significant

Accountability and Transparency both had the same two sub-codes: "lack of" and "proof of." Accountability was mentioned in 29% of all articles, (29.1% in the *San Diego Union-Tribune*, 32.7% in the *Arizona Daily Star*, and 25.0% in the *San Antonio Express News*). "Lack of" accountability was mentioned in 25.8% of all 306 articles. There were no statistically significant differences between newspapers, as "lack of" accountability appeared in 26.9% of articles from the *San Diego Union-Tribune*, 25% of articles from the *Arizona Daily Star*, and 25% from the *San Antonio Express News*. An example of a mention of "lack of" accountability from the *Arizona Daily Star* is the following: "Nationally, there have been more than two dozen [border-related] deaths. None of the agents involved has been convicted or publicly disciplined" (Prendergast 2015b). On the other hand, "proof of" accountability was statistically significant with $p < 0.05$. 3.6% of total articles mentioned it, with 2.4% mentioned in the *San Diego Union-Tribune*, 7.7% in the *Arizona Daily Star*, and no mentions in the *San Antonio Express News*. An example of this from the *Arizona Daily Star* is as follows: "but the unsympathetic posture of the sheriff's investigators on the scene encourages me, because it gives at least the impression of an unbiased investigation" (Steller 2014).

Mentions of transparency appeared in 39.5% of all articles, and there was no statistical significance across all three newspapers. Mentions appeared in 33.6% of all articles from the *San Diego Union-Tribune*, 46.2% from the *Arizona Daily Star*, and 41.2% from the *San Antonio Express News*. Similar to accountability, the majority of the mentions of transparency focused on "lack of," with 25.8% mentions across all three newspapers; 29.1% in the *San Diego Union-Tribune*, 41.3% in the *Arizona Daily Star*, and 38.2% in the *San Antonio Express News*. "Proof of" transparency was not statistically significant either, with mentions in 10.8% of all three newspapers; 9.7% of articles from the *San Antonio Union-Tribune*, 9.6% from the *Arizona Daily News*, and 14.7% from the *San Antonio Express News*. An example of "lack of" transparency is as follows: "According to lawmakers, CBP continues to resist full public disclosure of its use-of-force policies, despite a series of deaths and widespread allegations of abuse involving CBP personnel" (Arizona Daily Star 2013). Regarding "proof of" transparency, an article from the *San Diego Union-Tribune* stated the following: "Customs and Border Protection, the DHS agency that includes the Border Patrol, released the use-of-force data by sectors for the first time" (Caldwell 2016).

Although the findings indicate that all three newspapers mentioned accountability and transparency at roughly the same rate, it is important to note that most of these mentions were specifically calling out both a lack of accountability and a lack of transparency. Similar to the utilization of NGOs and activists as primary sources, this pattern is not reflective of the traditional deference to governmental institutions, especially with regard to law enforcement. In the case of accountability, an article from all of the three newspapers taken together was roughly eight times more likely to mention

that there wasn't any accountability than it was to mention that there had been any accountability. With transparency, the likelihood for there to be a mention of a lack of transparency versus a mention of proof of transparency was more than three to one. It is significant that there was very little variance between these three newspapers that are representative of very different communities in three different states.

Weapons

Table 4

	Total Sample	***San Diego Union-Tribune***	***Arizona Daily Star***	***San Antonio Express News***	**Chi-Squared Significance Level**
Weapons	**78.8**	**88.8**	**79.8**	**57.4**	***
Border Patrol – beanbag	*0.3*	*0*	*1*	*0*	*NS*
Border Patrol – gun	*44.4*	*42.5*	*49*	*41.2*	*NS*
Border Patrol – taser or stun gun	*26.1*	*47.8*	*6.7*	*13.2*	***
Border Patrol – other	*2.9*	*0*	*5.8*	*4.1*	*
Victim – gun	*4.9*	*3.7*	*4.8*	*7.4*	*NS*
Victim – rocks	*53.9*	*50*	*62.5*	*48.5*	*†*
Victim – unarmed	*6.9*	*3.7*	*9.6*	*8.2*	*NS*

† $p < 0.10$, $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$*; NS = Not statistically significant

Overall, mentions of weapons appeared in 78.8% of all articles; 88.8% in the *San Diego Union-Tribune*, 79.8% in the *Arizona Daily Star*, and 57.4% in the *San Antonio Express News*. This was very statistically significant with $p < 0.001$. As noted in Table 4, sub-codes that appeared within the bedrock code of weapons include: "Border Patrol – beanbag," "Border Patrol – gun," "Border Patrol – Taser or stun gun," "Border Patrol – other," "Victim – gun," "Victim – rocks," and "Victim – unarmed." Mentions of "Border Patrol – other" were statistically significant ($p < 0.05$), with overall mentions in 2.9% of

all articles, but 0% in the *San Diego Union-Tribune*, 5.8% in the *Arizona Daily Star*, and 4.1% in the *San Antonio Express News*. An example from the *Arizona Daily Star* coded as "Border Patrol – other" is: "Castro testified that he obeyed the agent's commands but Canales [Border Patrol agent] started to hit him with the reins of his horse until he couldn't take it anymore. He started to run back to Mexico as the agent continued to strike him" (Trevizo 2015c). Overall mentions of "Border Patrol – Taser or stun gun" appeared in 26.1% all three newspapers; 47.8% in *San Diego Union-Tribune*, 6.7% in the *Arizona Daily Star*, and 13.2% in the *San Antonio Express News*. This is statistically significant ($p < 0.001$) with quite a large variance between the percentage of mentions, particularly between the *San Diego Union-Tribune* and the *Arizona Daily Star*. Most of these mentions in the *San Diego Union-Tribune* were again in relation to the case involving Anastasio Hernandez Rojas. An example of this is as follows: "The shocking new video footage from 2010 of nearly two dozen border law enforcement officers standing around a prostrate man who is tasered despite seeming to offer no resistance demands a full, transparent investigation" (San Diego Union-Tribune 2012). "Victim – rocks" was mentioned in 53.9% of all three newspapers. 50% of articles from the *San Diego Union-Tribune* mentioned "Victim – rocks;" 62.5% of articles from the *Arizona Daily Star*, and 48.5% from the *San Antonio Express News*. This code is slightly statistically significant, with $p < 0.10$. A representative sample of the context for "Victim – rocks" are the following from the *San Diego Union-Tribune*, *Arizona Daily Star*, and the *San Antonio Express News* respectively: "A still-unidentified Border Patrol agent trying to arrest illegal immigrants running into the United States fired his weapon from the U.S. side into Mexico, killing 15-year-old Sergio Adrian Hernandez Huereka [sic]

while people on the Mexican side threw rocks at the Border Patrol agents on the scene" (Sherman and Olson 2010); "But the government claims the shooting was justified. The agent, they said, feared for his life because he was being attacked with rocks thrown from on top of the fence" (Trevizo 2015b); "Guillermo Martinez Rodriguez, the 18-year-old man who died, allegedly was throwing rocks at the agent, who shot him in the upper back in a stretch of the San Diego-Tijuana border in December 2005" (Marosi 2008).

The most significant finding pertains to "Victim – rocks." Over half of all articles from all three newspapers mentioned that a victim was affiliated with a rock. This is extremely important because of the Border Patrol's policy regarding use of force, which dictates that rock-throwing merits the use of deadly force if an agent feels like his life or the lives of others are in danger (U.S. Customs and Border Protection 2014). Thus an agent (or the agency itself) can defend his actions by claiming that he was responding to having been assaulted by rocks. In some cases, agents discharge their weapons in the middle of nowhere where there are no witnesses who can attest to what actually happened. Other times, witnesses are never questioned, are discouraged from coming forward, or are discredited through defamation. This can be extremely problematic because there isn't always proof that an agent was even being assaulted by rocks, but the defense is sometimes enough to protect the offending agent from punishment.

The Border Patrol has come under intense scrutiny with regard to this policy, but leadership has continued to defend it. An example of a common defense is as follows: "'We shouldn't have carve-outs in our policy and say, except for this, except for that,' Fisher told the AP. 'Just to say that you shouldn't shoot at rock-throwers or vehicles for

us, in our environment, was very problematic and could potentially put Border Patrol agents in danger" (Trevino 2013).

A second research question concerns the outcomes of these incidents in terms of the consequences for accused Border Patrol agents. There are several bedrock codes that emerged pertaining to the framing of the consequences that Border Patrol agents faced (or didn't face) after using deadly force. These bedrock codes include a) investigations, b) reviews, c) lawsuits, d) punishment, e) no punishment, and f) policy recommendations. All six of these bedrock codes had numerous sub-codes, but only a representative selection is discussed below.

Investigations

Table 5

	Total Sample	***San Diego Union-Tribune***	***Arizona Daily Star***	***San Antonio Express News***	**Chi-Squared Significance Level**
Investigations	**51**	**60.5**	**45.2**	**41.2**	*
External	*48.7*	*59.7*	*42.3*	*36.8*	**
Internal	*4.9*	*2.2*	*7.7*	*5.9*	*NS*

*† $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$*; NS = Not statistically significant

Items within the text were coded as investigations if either the word "investigation" was present, or if there was a mention of a particular fact gleaned from an investigative probe launched by an agency (government, both federal government and local government; nongovernmental organization; or internal review board) into either Border Patrol policy or in reaction to a Border Patrol agent's actions as they related to excessive use-of-force. Overall, investigation across all three newspapers was mentioned in 51% of articles. The *San Diego Union-Tribune* mentioned them in 60.5% of their articles, the *Arizona Daily Star* in 45.2%, and the *San Antonio Express News* 41.2%. This

is slightly statistically significant ($p < 0.05$), with more mentions of investigations in the *San Diego Union-Tribune* than the other two newspapers. External investigations (meaning those conducted outside of the Department of Homeland Security, Customs and Border Protection and the Border Patrol by the government at the federal or local level or a nongovernmental organization) were mentioned 48.7% of all articles, with prevalence in 59.7% of articles in the *San Diego Union-Tribune*, 42.3% of articles in the *Arizona Daily Star*, and 36.8% of articles in the *San Antonio Express News*. This is statistically significant as well ($p < 0.01$), again with more mentions in the *San Diego Union-Tribune* than either the *Arizona Daily Star* or the *San Antonio Express News*. By contrast, internal investigations (referring to those conducted by Department of Homeland Security, Customs and Border Protection, or Border Patrol) were only mentioned in 4.9% of overall articles in all three newspapers, which breaks down to 2.2% in the *San Diego Union-Tribune*, 7.7% in the *Arizona Daily Star*, and 5.9% in the *San Antonio Express News*. This is not statistically significant, but is significant for its relatively few mentions throughout.

Reviews

Table 6

	Total Sample	***San Diego Union-Tribune***	***Arizona Daily Star***	***San Antonio Express News***	**Chi-Squared Significance Level**
Reviews	**23.9**	**27.6**	**10.6**	**36.8**	***
External	*18.6*	*21.6*	*7.7*	*29.4*	***
Intenal	*13.1*	*14.9*	*6.7*	*19.1*	*

† $p < 0.10$, $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$*; NS = Not statistically significant

There were also multiple sub-codes for reviews, but only the two most compelling are mentioned in Table 6. Items that were coded under reviews differed from

investigations because they referred to either reviews of current Border Patrol (or Customs and Border Protection more broadly) policies, or were an examination of a collection of cases to determine whether or not the proper courses of action were taken against the allegedly offending Border Patrol agent. The most common mention of a review was in relation to the *Use of Force Review: Cases and Policies* conducted in 2013 by the nongovernmental organization the Police Executive Research Forum. This was a commissioned review into Customs and Border Protection policies, and included suggestions for policy reforms. It was a controversial publication, and one that the public largely applauded and the Border Patrol met with a mixed reaction. Reviews were mentioned in 23.9% of all articles across all three newspapers; 27.6% in the *San Diego Union-Tribune*, 10.6% in the *Arizona Daily Star*, and 36.8% in the *San Antonio Express News*. This is very statistically significant ($p < 0.001$), with a noticeable void of mentions in the *Arizona Daily Star*. Mentions of external reviews appeared in 18.6% of overall newspaper articles, with 21.6% in the *San Diego Union-Tribune*, 7.7% in the *Arizona Daily Star*, and 29.4% in the *San Antonio Express News*. Again, this is statistically significant, with $p < 0.001$. Furthermore, reviews carried out by nongovernmental organizations (notably the Police Executive Research Forum) were mentioned in 10.1% of all articles, with 11.9% in the *San Diego Union-Tribune*, no mentions in the *Arizona Daily Star*, and 22.1% in the *San Antonio Express News*. This is again very significant (with $p < 0.001$), and worth noting that the *Arizona Daily Star* didn't mention this particular review in any of its articles. Meanwhile, internal reviews (within the Department of Homeland Security, Customs and Border Protection, or the Border Patrol) were mentioned in 13.1% of all articles; 14.9% in the *San Diego Union-Tribune*, 6.7% in

the *Arizona Daily Star*, and 19.1% in the *San Antonio Express News*. This is statistically significant with $p < 0.05$.

As mentioned above, one of the most commonly referred to reviews in both the *San Diego Union-Tribune* and the *San Antonio Express News* was the "Use of Force Review: Cases and Policies" that was conducted in 2013 by the Policy Executive Research Forum. It is extremely significantly that this review wasn't mentioned at all in any of the articles examined from the *Arizona Daily Star*. This particular study was commissioned by the CBP at the behest of a Congressional inquiry into the Border Patrol's use of force policies. This 21-page document provides case reviews, observations, and policy recommendations. The report also provided some very damning information about the Border Patrol that was reported on in both the *San Diego Union-Tribune* and the *San Antonio Express News*:

> "Border Patrol agents have deliberately stepped in the paths of cars to justify shooting at the drivers and have fired in frustration at people throwing rocks from the Mexican side of the border, an independent review of 67 cases that resulted in 19 deaths states" (Bennett 2014); and "CBP released a scathing study of its use-of-force practices last year. The study, done by the Police Executive Research Forum, looked into 67 use-of-force incidents within the agency, ultimately finding that many of the deadly cases were unjustified and that investigations into the incidents were poorly done" (Sanchez 2015).

Again, it is very important to note that not a single article from the *Arizona Daily Star* mentioned this review, its findings, or its recommendations, and yet reviews conducted by nongovernmental organizations (such as the Police Executive Research Forum) were mentioned in 11.9% of articles from the *San Diego Union-Tribune*, and 22.1% of articles from the *San Antonio Express News*.

Lawsuits

Table 7

	Total Sample	*San Diego Union-Tribune*	*Arizona Daily Star*	*San Antonio Express News*	Chi-Squared Significance Level
Lawsuits	**37.3**	**34.3**	**46.2**	**29.4**	†
Cross-border application of the law	*9.2*	*9*	*10.6*	*7.4*	*NS*
External	*35*	*32.1*	*44.2*	*26.5*	*
Individual harmed party	*26.1*	*22.4*	*34.6*	*20.6*	*†

† p < 0.10, p < 0.05, ** p < 0.01, *** p < 0.001*; NS = Not statistically significant

Lawsuits included the following sub-codes: cross-border application of the law and external lawsuits, as they relate to government organizations at both the federal and local levels, nongovernmental organizations, and individual harmed parties. In instances involving cross-border shooting where the agent was standing on American soil when he discharged his weapon into Mexico killing someone in Mexico (e.g. Sergio Adrian Hernandez Guereca and Jose Antonio Elena Rodriguez), there was a lot of newspaper coverage with regard to whether or not the agent could face prosecution or would be immune because the victim was not physically standing on U.S. soil. Oftentimes these mentions were in conjunction with those relating to the application of the Constitution, and whether the victims in Mexico had American Constitutional rights. The sub-code cross-border application of the law was mentioned in 9.2% of cases overall; 9% in the *San Diego Union-Tribune*, 10.6% in the *Arizona Daily Star*, and 7.4% in the *San Antonio Express News*. There are no significant differences here. External lawsuits as they pertained to a government organization mostly referred to cases where the Department of Justice was involved in bringing charges against an agent at the federal level, or a local prosecutor sought to bring charges against an offending Border Patrol agent. They also

pertained to lawsuits brought against an agent by a nongovernmental organization (such as the American Civil Liberties Union) or by an individual harmed party (in most cases this meant the family, as more often than not the victim was no longer alive to file charges himself). Total mentions of external lawsuits appeared in 35% of all articles; 32.1% in the *San Diego Union-Tribune*, 44.2% in the *Arizona Daily Star*, and 26.5% in the *San Antonio Express News*. This was slightly statistically significant with $p < 0.05$. In particular, mentions of lawsuits instigated by individual harmed parties appeared in 26.1% of all articles; 22.4% in the *San Diego Union-Tribune*; 34.6% in the *Arizona Daily Star*, and 20.6% in the *San Antonio Express News*. This is only slightly statistically significant ($p < 0.10$), with the most mentions appearing in the *Arizona Daily Star*, and the least number of mentions in the *San Antonio Express News*.

Punishment/No Punishment

Table 8

	Total Sample	***San Diego Union-Tribune***	***Arizona Daily Star***	***San Antonio Express News***	**Chi-Squared Significance Level**
Punishment	**16.3**	**16.4**	**18.3**	**13.2**	**NS**
External	*12.4*	*9.7*	*16.3*	*11.8*	*NS*
Internal	*6.9*	*9.7*	*5.8*	*2.9*	*NS*

*† $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$*; NS = Not statistically significant

Punishment referred to any type of disciplinary action taken against an offending Border Patrol agent in response to excessive use of force against a victim. Punishments that were administered externally (which were categorized into sub-codes) were disciplinary actions taken by the Department of Justice or any other law enforcement agency besides DHS, CBP, or the Border Patrol and included convictions, imprisonment, indictments or charges, preliminary hearings, trials, and even acquittals and dismissals.

Internal punishments (which was also a sub-code of punishment) included such further sub-codes as administrative leave, reprimand, and relocation. These were punishments bestowed upon offending agents by DHS, CBP, or the Border Patrol itself. The bedrock code for punishment was not mentioned very often, with only 16.3% mentions overall. 16.4% of articles from the *San Diego Union-Tribune* mentioned some form of punishment, while only 18.3% of articles in the *Arizona Daily Star* and 13.2% of articles in the *San Antonio Express News* mentioned it. This is not statistically significant. External punishments were only mentioned in 12.4% of all articles, with the *San Diego Union-Tribune* mentioning them in only 9.7% of their articles, the *Arizona Daily Star* mentioning them in 16.3% of their articles, and the *San Antonio Express News* mentioning them in only 11.8% of their articles. Again, this is not statistically significant. Internal punishments were mentioned in 6.9% of all articles, with individual mentions in 9.7% of *San Diego Union-Tribune* articles, 5.8% of all *Arizona Daily Star* articles, and 2.9% of all *San Antonio Express News* articles. This is not statistically significant either.

Although none of the findings were statistically significant, they are significant for other reasons. Considering that all 306 articles pertained to excessive use of force by the Border Patrol and often involved the fatality of the victim, it is important to note how comparatively few mentions of a form of punishment there were for offending Border Patrol agents. It is also extremely noteworthy that punishments bestowed internally by DHS, CBP, and the Border Patrol were hardly mentioned at all.

Table 9

	Total Sample	***San Diego Union-Tribune***	***Arizona Daily Star***	***San Antonio Express News***	**Chi-Squared Significance Level**

No Punishment	**23.9**	**23.9**	**27**	**19.1**	**NS**
External	*21.9*	*22.4*	*25*	*16.2*	*NS*
Internal	*5.2*	*5.2*	*6.7*	*2.9*	*NS*

† p < 0.10, p < 0.05, ** p < 0.01, *** p < 0.001*; NS = Not statistically significant

Conversely, mentions of no punishments given to offending agents were more prevalent, appearing in 23.9% of all articles. The *San Diego Union-Tribune* specifically mentioned that no punishment was given in 23.9% of their articles, while the *Arizona Daily Star* specifically mentioned it in 27% of their articles, and the *San Antonio Express News* mentioned it in 19.1% of their articles. These findings are not statistically significant. There were two sub-codes included within this bedrock code, as journalists made specific mentions of who was want to mete out punishment but didn't. References to no punishment from an external entity (such as the DOJ or local jurisdiction) appeared in 21.9% of all articles, with mentions in 22.4% of articles from the *San Diego Union-Tribune*, 25% of articles from the *Arizona Daily Star*, and 16.2% of articles from the *San Antonio Express News*. This is not statistically significant. References to no punishments from an internal entity (such as DHS, CBP, or the Border Patrol itself) only appeared in 5.2% of all articles, with mentions in only 5.2% of all articles from the *San Diego Union-Tribune*, 6.7% of all articles from the *Arizona Daily Star*, and 2.9% of all articles from the *San Antonio Express News*. This is not statistically significant either.

Finally, 31.1% of all articles mentioned some form of policy recommendation. Policy recommendations included suggestions to implement better training policies, the implementation of an internal incident tracking program, improved reporting mechanisms, greater utilization of non-lethal tactics, and increased transparency and accountability. These were all included in sub-codes within the bedrock code of policy recommendations. Within each of the articles, a policy recommendation was mentioned

at least once in 29.9% of all articles from the *San Diego Union-Tribune*, 28.9% of all articles from the *Arizona Daily Star*, and 36.8% of all articles from the *San Antonio Express News*. This is not statistically significant.

Images

While reading through all 306 articles, I became interested in the way that journalists were portraying both Border Patrol agents and victims. Border Patrol agents were frequently referred to in conjunction with their titles as Border Patrol agents (Caldwell 2007, Arizona Daily Star 2010b, Arizona Daily Star 2011b, McNamara 2014a, McNamara 2014b, Arizona Daily Star 2015a) or as a "U.S. law enforcement individual" (Bennett 2014). There were two references to different nicknames: "green shirts" (Navarette Jr. 2013) and "Migra" (Steller 2012b). Otherwise, personal details or attributes were not used to describe of the agents who were featured in the articles I examined.

By contrast, those who came into contact with the Border Patrol and were profiled in an article were often given myriad descriptors. Many times, a journalist would mention a victim's age. For example, "Witnesses said the 16-year-old was walking down the street that runs along the base of the 30-foot rock face" (Arizona Daily Star 2015b); "The 19-year-old drove to the border and ran toward the fence" (Trevizo 2013a); "the shooting of a 15-year-old Mexican by a U.S. Border Patrol agent" (Arizona Daily Star 2010a); "42-year-old Anastasio Hernandez Rojas, an illegal immigrant" (San Diego Union-Tribune 2010); "U.S. officer shot a 15-year-old Mexican boy dead" (The Associated Press 2011); "33-year-old Honduran native Jose Francisco Rodriguez Palacios Paz" (The Associated Press 2016). Similarly, young victims were frequently referred to as "teenagers" and "boys." In almost every example, the victim's nationality was

mentioned, with some even mentioning the legal status of the individual: “unarmed Mexican migrant in San Diego” (Skoloff 2012a); “an unarmed Mexican who died” (Spagat 2013); “a 40-year-old Tijuana man suspected” (Arizona Daily Star 2011a); “A Mexican citizen” (The Associated Press 2012); “was an 18-year-old Honduran national” (Trevizo 2016); “Carlos LaMadrid, a 19-year-old U.S. citizen” (Prendergast 2016); “fatally shot an illegal immigrant from Mexico” (Caldwell 2007). Journalists also did not shy away from labeling an individual based on a perceived action or enterprise: “shooting of a suspected smuggler” (Marosi 2008); “the so-called victim – ‘a doper’ – went free” (Arrillaga 2007); “The government says Tidwell was being attacked by rock throwers and LaMadrid was in the line of fire” (Trevizo 2015a); “The Border Patrol said several agents responded Wednesday night to reports of suspected drug smugglers in Nogales, Ariz.” (Skoloff 2012b). Other descriptions provided by journalists were more humanizing: “The 42-year-old father of five U.S.-born children came to the United States when he was 14” (The Associated Press 2010); “Hernandez Rojas, a 42-year-old father of five and construction worker” (Aguilera 2012a); “A longtime Los Angeles resident” (Aguilera 2011). The most humanizing comments with regard to the victims were provided by family members of the slain and the victimized who were quoted by journalists: “Elena, who lives in Nogales, Ariz., didn’t know why José Antonio was out that night, but she noted he was just three blocks from home and called him an ‘obedient boy’ who aspired to be in the Mexican army” (Steller 2012a); “She said she still misses everything about her son. His voice, the times he would come home drenched in sweat from playing basketball or when he would sit on the sofa watching his favorite shows” (Trevizo 2014);

"She described him as 'joyful and friendly with the whole world.' 'His daughters were everything to him,' she said" (Buch 2012).

Chapter 5: Conclusion

Although there were more similarities than differences in the way in which the *San Diego Union-Tribune*, the *Arizona Daily Star*, and the *San Antonio Express News* covered use of force by the Border Patrol, there were mixed images with regard to victims, Border Patrol agents, and the use of force utilized by the Border Patrol. Across all of the articles in this study, victims were at once humanized and dehumanized, with inherently conflicting vocabulary used to describe them as both human beings and victims, but also as rule-breakers and "others." At the same time, individual Border Patrol agents were neither humanized nor dehumanized, but the findings demonstrate a much more critical viewpoint of CBP and Border Patrol policies and the agents themselves. The very action that is at the center of all of these articles (excessive use of force) is condemned more often than it is condoned, and journalists are far more likely to mention lack of transparency and accountability than they are to acknowledge the existence of either.

Again, coverage across all three newspapers was much more similar than it was different, but there were some rather significant findings that stemmed beyond what was actually statistically significant. First, NGOs and activists were prevalent sources across all three newspapers (but particularly the *San Diego Union-Tribune* and the *San Antonio Express News*), although collectively they did not exceed sources that were affiliated with the government. Both the populations of San Diego and San Antonio (which are almost identical in size) are twice as large as that of Tucson's, but the Tucson Border Patrol

sector employees more than 1,500 agents than the San Diego Sector, and more than twice as many agents than the Laredo sector. Thus it is reasonable to speculate that the populations of both San Diego and San Antonio (and by proxy their readers) have a greater chance of not being directly affiliated with the Border Patrol than that of Tucson. And while there is little difference between the overall tone across the three newspapers, it could be reasonably concluded that the greater utilization of NGOs and activists by the *San Diego Union-Tribune* and the *San Antonio Express News* is a reflection of the overall population of the two respective cities.

More than half of all articles mentioned rocks in relation to the victim in some way, and both the *San Diego Union-Tribune* and the *San Antonio Express News* mentioned the nongovernmental review conducted by the Police Executive Research Forum in 2013 that was extremely critical of the Border Patrol's policy regarding use of deadly force against rock throwers. Again, the lack of coverage of the CBP-commissioned review could be a reflection of the population of Tucson and its economic dependence on the Border Patrol as an industry. Thus it could be said that the complicated portrayal of victims in all three newspapers is encapsulated in the way that the *Arizona Daily Star* discusses Border Patrol activities generally: it's complicated. The injustice of the lack of accountability and transparency is recognized, but certain key critics of ongoing Border Patrol activities as they relate to excessive use of force are notably absent.

Tellingly, there were also very few collective mentions of acts of punishment taken against offending Border Patrol agents in all three newspapers, and even fewer once it was broken down into external punishments versus internal punishments. Specific

mentions of "no punishment" were more prevalent, and mentioned similarly across all three newspapers.

Physical abuse was mentioned in much greater frequency in the *San Diego Union-Tribune* than in either of the other two newspapers, primarily because one of the most high profile examples of the Border Patrol's excessive use of force resulting in a fatality took place at the San Ysidro Port of Entry and involved physical abuse and the use of a Taser. Although the literature demonstrates that physical abuse by the Border Patrol is extremely prevalent, it was hardly mentioned in either the *Arizona Daily Star* or the *San Antonio Express News*.

Although this is the first content analysis of newspaper articles examining use of force by the Border Patrol, this is far from the first research project to examine the abuses carried out by Border Patrol agents. Since 9/11 the Border Patrol has substantially grown in size and its mission has changed over time to reflect an increasingly isolationist mentality. The conversation regarding excessive use of force is ongoing, and will continue to evolve as soon as October 2017, when the Supreme Court will decide whether the Constitutional rights apply to a victim who was killed on Mexican soil by a Border Patrol agent standing in the United States.

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