Border Patrol Headquarters  
Tucson Sector  
Attn.: Chief Patrol Agent Michael Nicley  
1970 West Ajo Way  
Tucson, Arizona 85713-5698  

Dear Mr. Nicley;

This letter serves as a complaint against three Border Patrol agents who were operating a suspicionless roadblock along Arizona SR86 several days ago. The name tags on the uniforms of the three agents read C.L. Alvera, S. Kendrix, and B. Twaidford. I'm not sure if the spelling is correct in all cases and I do not know if these are the correct names of the agents since they refused to identify themselves or to verify their names. It should be easy enough however to cross-reference the names of the agents operating this suspicionless roadblock at the time of the encounter with official records if necessary.

While traveling Eastbound on SR86 at around 1245 or so on the afternoon of April 14th, I was stopped by the above referenced agents at a temporary roadblock setup near mile marker 146. This is the first time in over 12 years of driving this route that I have experienced a Border Patrol roadblock on SR86 at this location. A tow truck was visible loading two seized vehicles and at least three Border Patrol vehicles were also visible. The identifying numbers on two of the Border Patrol vehicles were K4414 and M1143. In addition, two portable flood lights were present along with generators indicating the operation would be run at night as well. This area is located over 40 miles North of the international border.

After being stopped, one of the female agents immediately demanded my citizenship while failing to identify herself, the purpose of the stop, the scope of the operation, or who she represented. After requesting that she identify herself and state the purpose for which my travels had been interrupted, the agent immediately demanded that I pull the vehicle over to the side of the road. I requested to know if I was being detained on several occasions and at least two of the agents indicated that I was NOT being detained. When I requested to leave given that I was not being detained, the agents refused to allow me to do so. I'm sure I don't need to explain to you the fundamental contradiction between the statements that I'm not being detained but yet I'm not free to leave either. I'm sure you are also aware of the fact that any stop by enforcement personnel on a public highway for any reason represents a seizure under the fourth amendment.

After indicating that a prolonged detention at a stop of this type absent reasonable suspicion of wrongdoing was a violation of my rights, Agent S. Kendrix indicated the following:

"Uhmm, we went to the academy and we had to learn the law sir. Your...it's not a reasonable suspicion to be pulled over, it's called mere suspicion to be pulled over to a secondary...."
A short time after admitting they had no reasonable suspicion and that I wasn't being detained, one of the female agents attempted entry into my vehicle without a warrant and without my consent. Luckily the door was locked and she was unable to enter. Nonetheless, the attempt was made at least twice. I consider this action in and of itself highly problematic & the most egregious action committed against me by these agents.

While this was going on, the other female agent could be seen radioing someone - presumably a supervisor for instructions. After some additional time, this agent told my to move out of her way. I had to prompt her for additional instructions regarding what she meant and whether or not I was free to go. She responded by indicating I was free to go but they had recorded my license plate and that, "We'll find out who you are". The veiled threat was clear.

Needless to say, I am fundamentally appalled at the presence of suspicionless roadblocks over 40 miles from the international border manned by Border Patrol agents who don't know the legal definition of the word 'detain' and who don't have a grasp on the lawful limitations of their authority or the fundamental rights of the traveling public. Agents who refuse to identify themselves after initiating a stop, refuse to identify the purpose for a stop, refuse to indicate the scope of a stop, and who attempt to seize an individual's property absent reasonable suspicion of wrongdoing and without consent.

As such, this is a formal request for you to investigate the unlawful actions of these agents and take appropriate action regarding their misconduct. This is also a request to disband this suspicionless roadblock on SR86 that does little to stop illegal border crossings while undermining the rule of law and violating the rights of the traveling public. Illegal border crossings take place along the border. That's where the bulk of Border Patrol resources should be instead of harassing Americans trying to get to and from work on the public highways everyday.

If you have need of addition information regarding this incident, please don't hesitate to ask.

Thank you for your time and consideration in this matter.

Sincerely;

Terry Bressi

CC:
* Senator Kyl
* Representative Grijalva