Border Backlash: Concern over the border patrol's interior checkpoints

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TUCSON, AZ (Tucson News Now) - There's growing concern surrounding southern Arizona's Border Patrol checkpoints. An increasing number of complaints are now coming from United States citizens who believe they're wrongfully being questioned and sometimes detained by agents without probable cause.

"I don't go out of my way looking for issues -- I try to address those issues that I feel there's a problem that I run into in my daily life."

That's been the case the last 13 years for Terry Bressi.

As chief engineer at Kitt Peak National Observatory southwest of Tucson, Bressi travels Arizona State Route 86 to Kitt Peak several times a week.

It's on his way home where he runs into trouble at a Border Patrol checkpoint.

"This Homeland Security agent has refused to let me go," Bressi says in one of multiple online blogs at checkpointusa.org.

It's for this reason he records every encounter with agents using five different cameras from inside his truck.

Why is this important?
Because some say the Border Patrol is going too far treating innocent people like suspects.

And the majority of complaints involve interior checkpoints like this.

"Your constitutional rights as far as the right to remain silent exist at checkpoints," says Maurice Goldman, a Tucson-based immigration attorney.

Bressi couldn't agree more.

"If we live in a free society, I don't have to prove my existence or justify my existence to the government," he says. "That's what happens in third world dictatorships and totalitarian regimes."

Similar to checkpoints on Arivaca Road -- and one near Tubac before that -- the State Route 86 checkpoint is located on an east-west highway, 40 miles north of the international border.

Our government says interior checkpoints are necessary.

"The checkpoints basically give us additional time and distance we need to make interdictions we otherwise would not be able to make," the Border Patrol claims.

But that kind of enforcement comes at a cost -- one that goes far beyond, just dollars and cents.

"My grandson is only ten years old and he talks about them all the time," says Carlota Way, a long-time Arivaca resident referring to the "temporary" checkpoint that's been in her community nearly eight years. "They don't understand why they're here and why they're standing there with guns."

A similar scene plays out at 18 interior checkpoints across the state.

In 2002, Terry Bressi was arrested on his way home from Kitt Peak.

At the hands of tribal police, working then with Customs and Border agents, Bressi says he was dragged, handcuffed and arrested for questioning why he was stopped at a roadblock along State Route 86.

Those charges were eventually dismissed.

But Bressi wasn't finished.

In 2003, he brought suit against tribal police for wrongfully arresting and detaining him.

The case never went to trial, but Bressi ultimately settled for $210,000.

"They have no business, agents who cannot keep their emotions and their feelings with regards to people who disagree with what you're doing, in check," Bressi says. "They have no business interacting with people."

I just went to go down the road," an unidentified trucker says in a video posted to YouTube.
"You will after I'm done with my immigration inspection," one Border Patrol agent says. "Do you understand?"

Here, a trucker attempts to stand his ground by invoking his right to remain silent.

Again, that's perfectly legal.

There's no apparent traffic violation or immigration concern. Still, without probable cause, agents smash out his window and forcibly pull the trucker to the ground.

His alleged offense: failure to identify himself as a US citizen.

"This individual who just wants to live his life, go to work, just have the same freedom anyone else would want," says Goldman, the immigration attorney we spoke to for this story.

If you truly have nothing to hide, most people would probably take the path of least resistance and comply with agent demands.

It's easier, cheaper and in most cases will keep you out of trouble.

But some argue that some agents are just bullies with little regard for the law or individual rights.

"I have numerous individuals who come in and tell me about these stops that occur," Goldman says. "They can't just be violating people's rights without any, some sort of protections over individuals."

As for Terry Bressi, he has no personal beef with most agents.

"My guess would be that a majority of Border Patrol agents are respectful of individual rights," he says.

It's a small number of aggressors Bressi takes issues with.

By knowing the law and protecting your rights, he hopes more people do the same.

"That's the basis of being an informed, interactive citizen who cares about their society," Bressi says. "I think people should know, understand and exercise their rights. That's what keeps government and government agents in check."

We asked the Border Patrol for on camera interview for this story.

That request was declined, but the agency did provide the following written statement:

Immigration checkpoints are an effective and essential component of the Border Patrol's border enforcement strategy. These checkpoints are critical to our patrol efforts, as they deny major routes of egress from the border region to smugglers intent on delivering people, drugs, and other contraband into the interior of the United States. The Border Patrol carefully selects checkpoint locations to maximize border enforcement and continuously evaluates our operations to ensure they are effective and do not pose an undo impact to law abiding citizens.

Additionally, we are dedicated to continued meetings with local representatives and community members of Arivaca, Green Valley and Tubac to address their concerns. Our agents will continue to diligently protect and secure America's borders by accomplishing our mission within the context of the Fourth Amendment, the U.S. search and seizure laws, and the judicial decisions that regulate checkpoint operations, including section 287 of the Immigration and Nationality Act (8 USC § 1357), and United States v. Martinez-Fuerte, among others.

Bottom line, this issue isn't going away anytime soon.

That's why it's everyone's best interest to know the law, know your rights and know what you're potentially getting yourself into if you challenge the federal government.

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