



April 19, 2005

Senator John Kyl
7315 North Oracle Road, Suite 220
Tucson, Arizona 85704

Re.: DHS/BP misconduct

Senator Kyl;

While driving home from work on the afternoon of Thursday, April 14, 2005, I was subjected to a suspicionless stop and a seizure of my person on Arizona SR86 by three Border Patrol agents who refused to identify themselves. These agents were manning a temporary roadblock near mile marker 146 and stopping Eastbound traffic. In over twelve years of driving this route on a regular basis, I have never before encountered a Border Patrol checkpoint at this location which is over 40 miles North of the international border.

The encounter has been fully documented with photographs & video at:

<http://www.terrybressi.org/DHS/DHSroadblock.htm>

You can judge for yourself the actions of these agents. Not only did they refuse to identify themselves, but they also refused to identify the purpose of the stop and its scope before demanding that I pull my vehicle off to the side of the road to an area where other seized vehicles were being loaded onto a tow truck.

When I requested to know whether or not I was being detained, the agents responded by indicating I wasn't being detained but then refused to allow me to leave when I so requested. Further, after indicating I wasn't being detained and there was no 'reasonable suspicion' to believe I had done anything wrong, one of the agents attempted to unlawfully gain entry into my vehicle without my consent and without a warrant.

Why is the Border Patrol harassing travelers 40 miles North of the border at suspicionless roadblocks instead of patrolling the border as they should be? Why are federal agencies wasting time and resources stopping traffic on state highways well away from the border absent reasonable suspicion of wrongdoing in violation of fourth amendment protections when illegal border crossings are taking place many miles to the South? Why are Border Patrol agents so poorly trained and so undisciplined as to refuse to identify themselves and the purpose for which they have stopped someone at these suspicionless roadblocks?

I request that your office investigate this incident at its earliest convenience. This ongoing suspicionless roadblock represents a clear and present danger to the rights of the American people as well as a misuse of government resources. In addition, the agents that operate this roadblock appear to be poorly trained with little comprehension of the scope of their lawful authority or the rights of the individuals they stop on a regular basis.

Please advise me as to your intentions and don't hesitate to contact me with any additional information you may need. I have attached a copy of a letter recently sent to Chief Patrol Officer Michael Nicley of the Tucson sector Border Patrol.

Thank you for your time and consideration in this matter.

Sincerely;

Terry Bressi
1 520 808 2054