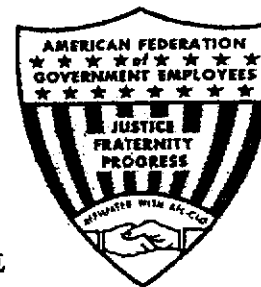


LOCAL 2544

National Border Patrol Council
2410 W Ruthrauff Rd, Suite 100
Tucson, Arizona 85705
(800) 581-2544
Fax (520) 293-6044
www.local2544.us



OFFICE OF THE
PRESIDENT

JAN 29 2008

UNIVERSITY OF
ARIZONA



January 28, 2008

Robert N. Shelton, President
Administration Building, Room 712
1401 East University Boulevard
Tucson, Arizona 85721-0066

RE: University of Arizona Employee Terrence Bressi

Dear Mr. Shelton,

On several occasions this month a University of Arizona employee named Terrence Bressi has driven through a United States Border Patrol traffic checkpoint on State Route 86 near Three Points (Robles Junction), Arizona. Bressi drives a fully marked University of Arizona pickup truck. He has driven through the checkpoint during the afternoon on January 8th, January 9th, and January 20th.

Bressi refuses to answer questions from the agents staffing the checkpoint. He videotapes the agents and others present at the checkpoint (including while he is driving up to the checkpoint), and he posts videotapes of the agents on the internet. I have had very limited time to research Mr. Bressi's internet ramblings, however it is clear that he displays the agents' faces and names on his internet postings. Agents have also complained about his erratic driving while approaching the checkpoint.

Mr. Bressi appears to be convinced that our traffic checkpoints are "unconstitutional". However, the Supreme Court has ruled that such checkpoints are constitutional. Nevertheless, it seems that it would be incumbent on a State employee who is on duty to cooperate with law enforcement officers who are conducting their sworn duties in a safe, professional, and competent manner.

This is not the first time we have encountered problems with Mr. Bressi. On June 16, 2003 I sent a letter (attached) to then-University of Arizona President Peter Likins regarding Bressi's behavior. President Likins' response of June 23, 2003 (attached) indicated that he had initiated an inquiry into Bressi's actions. I don't know what the results of that inquiry were.

I am asking that you initiate another inquiry into Bressi's recent actions. He is impeding the ability of the agents at the checkpoint to do their jobs in a safe and

effective manner. While I respect the fact that Mr. Bressi is entitled to have strong personally held beliefs about the duties and responsibilities of the Department of Homeland Security and/or the United States Border Patrol, I also believe that an on-duty State employee should be held to a reasonable standard in cooperating with law enforcement. I also question why Bressi is allowed to use State time to videotape agents so he can post the videos on his personal website (www.checkpointusa.org). I believe this to be a waste of taxpayer dollars as I am certain that Bressi is being paid to perform the duties of an engineer.

There is a safety concern as well. One agent complained of Bressi's driving and stated that Bressi almost drove into the traffic barricades on the highway as he approached the checkpoint because he was videotaping as he was driving. In one of Bressi's videos posted on the internet, you can see him point something towards the agents outside his passenger side window as he drives off. As a veteran agent, I can tell you that needlessly pointing anything at a law enforcement officer during an enforcement operation or while arrests are being made is unsafe, especially in bad lighting or other conditions that hinder good visibility (tinted windows, reflections from glass, etc.). Another agent complained that Bressi was causing traffic to back up at the checkpoint due to his failure to answer a simple question. Bressi has also refused to roll his window down so that agents can hear him, and he refuses to move into a "secondary" inspection area when it becomes clear that he will not cooperate and is causing other motorists to be unnecessarily delayed. Another agent complained that Bressi was needlessly tying up resources with his refusal to cooperate while the agents were attempting to control several smuggling loads they had apprehended.

Bressi's practice of posting agents names and faces on the internet may be amusing to him, but we don't find it amusing, useful, or in good taste. Agents are routinely threatened and we go to great lengths to protect their privacy. We have good reason for doing so. Arizona Revised Statutes, Section 13-2401 addresses the posting of officers' personal information on the internet. We will be aggressively pursuing action against Mr. Bressi and/or the University on behalf of our agents for the internet postings which Bressi has undertaken using video obtained while he was acting as a University employee. If it is determined that the law does not apply to Federal law enforcement officers, we will lobby for an amendment to the State law to ensure that we are protected.

The pertinent State law reads:

"13-2401. Personal information on the world wide web; exception; classification; definitions

A. It is unlawful for a person to knowingly make available on the world wide web the personal information of a peace officer, justice, judge, commissioner, public defender or prosecutor if the dissemination of the personal information poses an

imminent and serious threat to the peace officer's, justice's, judge's, commissioner's, public defender's or prosecutor's safety or the safety of that person's immediate family and the threat is reasonably apparent to the person making the information available on the world wide web to be serious and imminent.

B. It is not a violation of this section if an employee of a county recorder, county treasurer or county assessor publishes personal information, in good faith, on the web site of the county recorder, county treasurer or county assessor in the ordinary course of carrying out public functions.

C. A violation of subsection A is a class 5 felony.

D. For the purposes of this section:

1. "Commissioner" means a commissioner of the superior court.

2. "Immediate family" means a peace officer's, justice's, judge's, commissioner's, public defender's or prosecutor's spouse, child or parent and any other adult who lives in the same residence as the person.

3. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.

4. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.

5. "Personal information" means a peace officer's, justice's, judge's, commissioner's, public defender's or prosecutor's home address, home telephone number, pager number, personal photograph, directions to the person's home or photographs of the person's home or vehicle.

6. "Prosecutor" means a county attorney, a municipal prosecutor, the attorney general or a United States attorney and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

7. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant or deputy federal public defender, county public defender or county legal defender."

Federal law includes the following section:

"18 USC § 111. Assaulting, resisting, or impeding certain officers or employees

(a) In General.— Whoever—

(1) forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties; or

(2) forcibly assaults or intimidates any person who formerly served as a person designated in section 1114 on account of the performance of official duties during such person's term of service,

shall, where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and in all other cases, be fined under this title or imprisoned not more than 8 years, or both.

(b) Enhanced Penalty.— Whoever, in the commission of any acts described in subsection (a), uses a deadly or dangerous weapon (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component) or inflicts bodily injury, shall be fined under this title or imprisoned not more than 20 years, or both"

During the last two months, just in Arizona, a Border Patrol agent has been killed, an agent has been permanently and severely disabled, and another agent was recently caught in a truck door while attempting to question the truck's occupants, resulting in the agent being dragged beside the truck and the driver of the truck being shot. We have also endured a number of other assaults on an almost daily basis. We have arrested smugglers driving fake Fed-Ex trucks, fake utility company vehicles, and even fake Border Patrol vehicles. I don't say this to accuse Mr. Bressi, rather, I point it out so that you can understand what we are up against every day. It serves no purpose for an employee of the University to heighten tensions and refuse to cooperate at our checkpoint.

If an agent is injured or otherwise harmed due to Mr. Bressi's on-duty actions, we will assist and encourage the agent to pursue legal action against the University. The University was put on notice in June of 2003 that Mr. Bressi was engaging in inappropriate conduct. The inappropriate on-duty conduct has obviously not been corrected sufficiently to prevent further inappropriate on-duty conduct.

I would suggest that Mr. Bressi be encouraged to pursue his personal agenda on his own time, utilizing his own resources, and using the appropriate avenues

available to him. Attempting to cause a needless confrontation with rank-and-file agents at the checkpoint will accomplish nothing worthwhile for Mr. Bressi.

In closing, I would like to say that we would sincerely appreciate Mr. Bressi's cooperation at our checkpoint in the future. So far, our agents have shown great professionalism and restraint in dealing with him.

Please don't hesitate to contact me if I can be of assistance.

Sincerely,

A handwritten signature in black ink that reads "Edward Tuffly II". The signature is written in a cursive style with a large initial "E" and a stylized "II" at the end.

Edward Tuffly II
President
Local 2544

cc: Governor Janet Napolitano
State Representative Russell Pearce