

**VIA CERTIFIED MAIL**

Michael H. Cyr  
President  
John T. Cyr & Sons, Inc., d/b/a Cyr Bus Line  
105 West Old Town Road  
Old Town, ME 04468

June 21, 2023

Dear Mr. Cyr,

Following up on our June 1 correspondence, we write to notify you of an alarming escalation in Customs and Border Patrol (“CBP”)’s already abusive practices toward passengers on Cyr buses. We have recently learned that CBP is not only regularly boarding Cyr buses at the Houlton rest stop and interrogating passengers about their immigration status, but is now also using drug-sniffing dogs to search all passengers’ luggage. We also understand that Cyr bus drivers are instructing passengers that these dogs are drug sniffing dogs and that CBP will confiscate any drugs (including cannabis) that they might find. This escalation by CBP agents demonstrates how important it is that Cyr stop permitting CBP agents to board and search its buses.

As explained in our June 1 letter, CBP is already overstepping its legal authority by regularly boarding Cyr buses, coercively interrogating your passengers, and handcuffing and detaining passengers if they choose to exercise their legal right not answer. But CBP’s new practice of using drug-alerting dogs to search all Cyr passengers’ luggage represents an even more egregious violation of passengers’ basic civil rights, for at least three separate reasons.

First, CBP’s use of drug-alert dogs is a clear attempt to expand its authority despite prohibitions imposed by the Supreme Court and federal statute. CBP is not allowed to establish a checkpoint and search all vehicles in a certain area for drugs,<sup>1</sup> nor can CBP warrantlessly board a bus to search for drugs.<sup>2</sup> CBP is using Cyr’s rest stop to circumvent these prohibitions. Since CBP cannot board or stop Cyr’s buses to search for drugs, CBP uses the drug-alert dogs and the rest stop to perform the search anyway. This demonstrates CBP’s disregard for the spirit of the law and the privacy protections Cyr passengers are entitled to.

Second, CBP’s use of dogs is inherently problematic because the dogs routinely falsely indicate there are drugs where there are none. CBP has acknowledged that

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<sup>1</sup> *Indianapolis v. Edmond*, 531 U.S. 32, 41-42 (2000).

<sup>2</sup> 8 U.S.C. § 1357(a)(3).

its dogs sometimes have false alerts.<sup>3</sup> At one CBP checkpoint, *ninety-six percent* of the dog alerts were false positives; in another case, seventy percent of CBP's canine alerts were false positives.<sup>4</sup> Despite being aware of this data and knowing its dogs are often wrong, CBP maintains that dog alerts create probable cause, and uses the canines' false alarms to justify searching luggage or cars.<sup>5</sup> In other words, CBP intentionally uses its poorly trained dogs as an excuse to search wherever they feel like searching. CBP's continued use of canine alerts, despite their demonstrated lack of reliability, shows CBP's disregard for the rights and well-being of Cyr passengers.

Third, CBP's apparent intent to confiscate marijuana underscores that the canine units are not being used for any legitimate law enforcement purpose. Maine state law makes it legal to possess marijuana for recreational or medical purposes. 22 M.R.S. § 2421 *et seq* (permitting medical use of marijuana); 28-B M.R.S. § 101 *et seq* (permitting recreational use). More than a year ago, the Department of Justice announced that it would not prioritize prosecuting marijuana-related offenses.<sup>6</sup> Shortly afterwards, President Biden pardoned federal convictions for marijuana possession.<sup>7</sup> In other words, possessing marijuana is not a crime under state law and is not being prosecuted under federal law; there is no legitimate law enforcement reason for CBP to search for and confiscate marijuana. That CBP apparently intends to search for and confiscate marijuana regardless demonstrates CBP's indifference to the law.

We again urge you to bar CBP from entering Cyr buses without a warrant. This most recent expansion of CBP's intrusions on your passengers' fundamental civil rights only further demonstrate that the best way to keep Cyr passengers safe from CBP is to bar CBP from Cyr buses.

Thank you for your attention to this matter. We continue to anticipate your response by July 5.

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<sup>3</sup> American Civil Liberties Union, Written Statement for a Hearing on *From the Border to Disasters and Beyond: Critical Canine Contributions to the DHS Mission* (May 18, 2017) 2, [https://www.aclu.org/sites/default/files/field\\_document/2017-05-18\\_aclu\\_statement\\_house\\_homeland\\_security\\_hearing\\_critical\\_canine\\_contributions\\_to\\_the\\_dhs\\_mission.pdf](https://www.aclu.org/sites/default/files/field_document/2017-05-18_aclu_statement_house_homeland_security_hearing_critical_canine_contributions_to_the_dhs_mission.pdf).

<sup>4</sup> *Id.* at 3.

<sup>5</sup> *Id.*

<sup>6</sup> *Attorney General Garland Reconfirms the DOJ's Hands-Off Approach Toward Federal Marijuana Prosecution*, Nat'l L. Rev. (May 2, 2022), <https://www.natlawreview.com/article/attorney-general-garland-reconfirms-doj-s-hands-approach-toward-federal-marijuana>.

<sup>7</sup> Department of Justice, *Presidential Proclamation on Marijuana Possession*, <https://www.justice.gov/pardon/presidential-proclamation-marijuana-possession>.

Sincerely,

A handwritten signature in black ink, appearing to be 'Carol Garvan', written in a cursive style.

Carol Garvan  
Legal Director  
ACLU of Maine