

**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 1, 2023

Dear Mr. Cyr,

My name is Carol Garvan, and I am the Legal Director of the American Civil Liberties Union of Maine. I am writing to you on behalf of Jade Hopkins and Robert Kipp, two Maine residents who have been frequent passengers on Cyr Bus Line's daily service routes since moving to Presque Isle. Rob and Jade have been repeatedly interrogated and, on one occasion, unconstitutionally detained by U.S. Customs and Border Patrol ("CBP") Agents while riding a Cyr bus. We write to inform you of the ongoing abuses of power by CBP agents boarding Cyr buses, and to urge Cyr to follow the examples of Concord Coach<sup>1</sup> and Greyhound<sup>2</sup> bus lines and end its practice of permitting CBP agents to board Cyr buses and interrogate your customers without a warrant.

**CBP illegally detained Rob and Jade**

Rob and Jade are native New Englanders (and U.S. citizens) who have lived in Presque Isle for several years. They do not have a car and routinely rely on Cyr's Caribou-Bangor route to visit friends and family south of Presque Isle.

On one such trip shortly after they moved to Maine, in October 2021, two armed federal CBP agents boarded the Cyr bus while it was making its customary rest stop in Houlton. The CBP agents asked every passenger whether they were U.S. citizens. Jade asked if she was legally required to answer and the agent (incorrectly) said yes, so Rob and Jade told the agents that they were citizens. Jade and Rob were confused and intimidated by this interrogation: the bus was not at the international border, the route does not cross the international border, and citizenship is not a requirement for riding a bus. Rob and Jade believed that CBP

---

<sup>1</sup> Concord Coach Lines, *Your Rights with CBP*, <https://concordcoachlines.com/your-rights-with-cbp/> ("The policy of Concord Coach Lines is that no Concord Coach employee may provide consent for a Border Patrol Agent to board and bus and conduct warrantless immigration checks.").

<sup>2</sup> Greyhound, *Your Rights & Rules on Board*, <https://www.greyhound.com/travel-info/your-rights-rules-on-board> ("Greyhound Lines, Inc. does not consent to warrantless immigration enforcement checks on its buses or in non-public areas of its terminals.")

was engaging in security theater: CBP appeared to be picking on a captive audience just to have something to do.

After being interrogated by CBP, Jade and Rob did their own research and learned that they were not obligated to answer CBP's questions about their citizenship status.<sup>3</sup> They decided that on future Cyr bus rides, if CBP asked about their citizenship they would exercise their right to stay silent and would state that they chose not to answer. Jade and Rob believed this was the right thing to do because constitutional rights are only meaningful when people exercise them: they did not want to contribute to the erosion of the fundamental liberty enjoyed by all.

But Cyr has not made it easy for Jade and Rob to exercise their constitutional rights. In the months that followed, Jade and Rob regularly witnessed Cyr drivers instructing passengers that federal agents would be boarding the bus and passengers should just answer CBP's questions. When Rob and Jade exercised their constitutional rights by declining to answer CBP agents' questions, they were often met with resistance. While some CBP agents accepted their answers and moved on, others repeated the question or asked other questions (such as "where were you born" or "where are you headed"). One agent insisted that they answer and asked to see identification. Another agent threatened to remove Jade from the bus, at which point she answered his questions.

CBP's abusive practices escalated last fall. On November 25, 2022, Rob and Jade took a Cyr Bus back to Presque Isle after spending Thanksgiving with their families in New Hampshire. When the bus made its usual Houlton stop, the driver—as usual—warned passengers that CBP agents would be boarding and that passengers should answer their questions. Two armed CBP agents boarded and one began asking each bus passenger whether they were citizens. Rob and Jade both stated that they chose not to answer. The agent pressed them to answer and threatened to take them off the bus if they refused. Rob—knowing his rights—asked the agent what reasonable suspicion the agent had to justify detaining them, since just being near the border and refusing to answer questions does not create reasonable suspicion. The agent responded that it was a "U.S. immigration inspection." Rob and Jade continued to refuse to answer.

The two agents then handcuffed both Rob and Jade, forced them off the bus, and led them to a nearby parking lot, where two more CBP agents were present. One of the agents, who seemed to be in charge, asked again for their immigration status. Rob and Jade continued to refuse to answer, as was their right. One agent then took their bags, which the Cyr driver had removed from the bus. When Rob asked how the agents could detain them without cause, the agent in charge said he was "not

---

<sup>3</sup> See, e.g., ACLU Maine, *Know Your Rights: Immigration Agents on Buses*, <https://www.aclumaine.org/en/know-your-rights/know-your-rights-immigration-agents-buses>.

playing that game.” The agent who’d handcuffed Rob told them that not answering the questions was inherently suspicious. The agent who had handcuffed Jade repeated that they were obligated to answer because this was an “immigration inspection,” and when Jade asked what cause CBP had to arrest them the agent said they were “not under arrest, you’re being detained.” The agent in charge threatened that if they didn’t answer, CBP would detain Rob and Jade so that they would miss the bus. Jade and Rob were many miles from home and without any alternative transit, and the next bus did not come for twenty-four hours. Missing their bus meant finding a place to stay for the night, and even that stressful, inconvenient, and expensive option would only be available to them if they weren’t arrested.

Faced with these pressures, Rob and Jade told the agents they were U.S. citizens. The agents said that was not enough; now Jade and Rob needed to show identification. Jade and Rob both produced drivers’ licenses, and the agents removed their handcuffs and permitted them to leave. Fortunately, Rob and Jade were able to re-board their bus and return home.

Rob and Jade were both thoroughly rattled by this violation. It is traumatic to be handcuffed and interrogated, to know that armed guards can deny your rights when they choose to, and to experience firsthand that armed federal agents are more interested in flexing their power than in upholding the laws they’re sworn to protect.

Rob and Jade want Cyr Bus Lines to follow in the steps of Concord Coach and Greyhound and deny CBP agents access to their buses unless they have a warrant. For the reasons outlined below, what happened to Rob and Jade violated their Fourth Amendment rights to be free from unreasonable search and seizure. Barring warrantless CBP access to Cyr buses is the only way to ensure that no one else is subjected to unwarranted suspicion, intimidation, coercion, or detainment merely because they choose to ride a Cyr bus.

### **CBP’s conduct violated Rob and Jade’s Fourth Amendment rights.**

Because CBP unquestionably detained Jade and Rob and because (per the agents’ own statements), they were detained solely for declining to answer questions, CBP agents willfully violated Jade and Rob’s Fourth Amendment rights.

The Fourth Amendment’s prohibition on unreasonable searches and seizures exists within 100 miles of the United States’ international borders, just as it does

throughout the country.<sup>4</sup> Accordingly, CBP cannot detain anyone in the United States without reasonable suspicion.<sup>5</sup>

It is well settled that merely declining to answer questions cannot create reasonable suspicion—otherwise law enforcement would be free to interrogate anyone at any time, with no justification.<sup>6</sup> And it is beyond question that handcuffing a person and removing them from a bus constitutes a detention.<sup>7</sup>

CBP agents plainly violated your customers’ constitutional rights when it boarded the Cyr bus in November 2022, interrogated Jade and Rob, and then handcuffed and removed them from the bus for no reason other than refusing to answer CBP’s questions.

### **Cyr Bus Lines must stop permitting CBP to board its buses.**

CBP’s illegal detention of Jade and Rob was egregious, but it was far from an isolated incident. Rob and Jade’s own history demonstrates the CBP agents on Cyr buses routinely have a poor grasp of the law and over-state their authority to require Cyr passengers to answer questions. And Cyr drivers contribute to these abuses by instructing passengers that they should answer CBP agents’ questions.

Recognizing that these abuses by border patrol agents are widespread in Northern New England, Representative Pingree has called for greater CBP accountability, noting that at CBP highway checkpoints, CBP has applied “potentially inconsistent evidentiary standards.”<sup>8</sup> And before Greyhound buses barred CBP’s warrantless entry, CBP routinely arrested and detained people on Greyhound buses—especially people of color—without probable cause or reasonable suspicion.<sup>9</sup>

---

<sup>4</sup> *Almeida-Sanchez v. U.S.*, 413 U.S. 266 (1973) (rejecting government’s position that no probable cause was required for search performed 20 miles from the border and finding that warrantless search performed 20 miles from the border violated Fourth Amendment).

<sup>5</sup> *Brown v. Texas*, 443 U.S. 47, 51 (1979); *Arizona v. U.S.*, 567 U.S. 387, 413 (2012) (“Detaining individuals solely to verify their immigration status would raise constitutional concerns.”); *U.S. v. Sanchez*, 569 F.Supp.3d 1129, 1136 (D.N.M. 2021) (“Any detention beyond a routine inspection, including removing a passenger from a bus, must be based on consent, reasonable suspicion, or probable cause.”).

<sup>6</sup> *Illinois v. Wardlow*, 528 U.S. 119, 125 (2000) (“any ‘refusal to cooperate, without more, does not furnish the minimal level of objective justification needed for a detention or seizure.’” (quoting *Florida v. Bostick*, 501 U.S. 429, 437 (1991))). Although there are certain, limited exceptions to this general rule for non-citizens, those exceptions do not apply to Rob and Jade, who are both U.S. citizens.

<sup>7</sup> *Muehler v. Mena*, 544 U.S. 93, 98 (2005) (discussing use of handcuffs to detain a person during a search).

<sup>8</sup> Letter from Chellie Pingree, Jeanne Shaheen, Patrick Leahy, Margaret Wood Hassan, Bernie Sanders, Ann McLane Kuster, Chris Pappas, and Peter Welch to Acting Commissioner Mark Morgan (Nov. 13, 2019), [https://www.shaheen.senate.gov/imo/media/doc/2019-11-13%20Letter%20to%20CBP%20-%20Border%20Patrol%20in%20Northern%20New%20England%20\(002\).pdf](https://www.shaheen.senate.gov/imo/media/doc/2019-11-13%20Letter%20to%20CBP%20-%20Border%20Patrol%20in%20Northern%20New%20England%20(002).pdf)

<sup>9</sup> John P. Gregg, *Primary Source: Border Patrol – and Scaramucci – Tied to the Valley*, Valley News (Aug. 2, 2017), <https://www.vnews.com/U-S-Border-Patrol-Searches-Bus-in-White-River-Junction-11640514> (detailing incident of CBP boarding Greyhound bus in Vermont, did not allow anyone to leave the bus, asked the passengers

This history demonstrates that CBP has a pattern and practice of violating constitutional rights on American soil. These violations are often racist and always invasive. We ask Cyr Bus Lines to protect passengers like Rob and Jade—passengers who wish to use Cyr bus routes unafraid of exercising their constitutional rights. We urge Cyr to refuse to permit CBP to board Cyr buses without a warrant.

*Cyr Bus Lines has a Fourth Amendment right to deny warrantless CBP access to buses.*

CBP’s own training materials show the agency is fully aware that bus companies are not legally obligated to allow agents to board and conduct immigration checks.<sup>10</sup> In general, the Fourth Amendment only allows law enforcement to enter non-public areas (including buses, which require a ticket to enter) with a warrant, consent, or exigent circumstances.<sup>11</sup> This principle applies with equal force to immigration law enforcement.<sup>12</sup> And the Fourth Amendment’s protections apply not only to individuals but also to businesses, like Concord Coach or Cyr.<sup>13</sup>

CBP does not even claim to have probable cause or exigent circumstances to justify its bus searches. Thus, like any other person or entity, Cyr is not obligated to consent to these searches.<sup>14</sup> Although it is true that statute and regulation *permit* (but do not require) CBP to conduct warrantless immigration inspections on buses within 100 miles of the border, “no Act of Congress can authorize a violation of the

---

their citizenship and checked identification of anyone who had “accents or were not white.”); NYU Sch. of Law, *Justice Derailed: What Raids on New York’s Trains and Buses Reveal about Border Patrol’s Interior Enforcement Practices* (Nov. 2011), [https://www.nyclu.org/sites/default/files/publications/NYCLU\\_justicederailedweb\\_0.pdf](https://www.nyclu.org/sites/default/files/publications/NYCLU_justicederailedweb_0.pdf) (detailing CBP boarding Greyhound buses in central and western New York and finding that CBP disproportionately targeted people of color, frequently violated agency regulations and in numerous cases wrongfully detained people lawfully present in the country)

<sup>10</sup> Gene Johnson, *AP Exclusive: Agency memo contradicts Greyhound on bus raids* (Feb. 14, 2020), <https://apnews.com/article/wa-state-wire-az-state-wire-mi-state-wire-tx-state-wire-border-patrols-48960c783dd3f22af2ad320227e40b20>.

<sup>11</sup> *Marshall v. Barlow’s, Inc.*, 436 U.S. 307, 315 (1978).

<sup>12</sup> *Pearl Meadows Mushroom Farm, Inc. v. Nelson*, 723 F.Supp. 432, 439 (N.D. Cal. 1989).

<sup>13</sup> *Dow Chemical Co. v. U.S.*, 476 U.S. 227, 235 (1986) (“Plainly a business establishment or an industrial or commercial facility enjoys certain protections under the Fourth Amendment.”); *See v. Seattle*, 387 U.S. 541, 545 (1967) (“We therefore conclude that administrative entry, without consent, upon the portions of commercial premises which are not open to the public may only be compelled through prosecution or physical force within the framework of a warrant procedure. . . . [T]he basic component of a reasonable search under the Fourth Amendment—that it not be enforced without a suitable warrant procedure—is applicable in this context, as in others, to business as well as residential premises.”).

<sup>14</sup> *Schneckloth v. Bustamonte*, 412 U.S. 218, 227 (1973) (acknowledging “right to refuse consent” to search).

Constitution;”<sup>15</sup> nor can any regulation.<sup>16</sup> Therefore, no federal authority overrides Cyr’s Fourth Amendment right to refuse consent to enter nonpublic areas under its control. All that is left is for Cyr to exercise that right, as Concord Coach and Greyhound have already done.

Cyr is in the business of transporting its passengers safely from place to place and provides a vital service in northern Maine. Cyr should not be in the business of subjecting its passengers to intimidating interrogations or unconstitutional arrests and detentions. We urge you to change your policies and practices to refuse CBP permission to board Cyr buses without a warrant, except when legally required at the physical border.

We look forward to your prompt response on this important matter. We are glad to discuss this matter with you, or your legal counsel, in person or by phone. If we do not receive a response from you by July 5, 2023, we will have to explore other avenues for vindicating the constitutional rights of Rob, Jade, and other Cyr bus passengers like them.

Thank you for your attention to this matter.

Sincerely,

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

Carol Garvan  
Legal Director  
ACLU of Maine

---

<sup>15</sup> *Almeida-Sanchez*, 413 U.S. at 272 (holding that despite Section 1357, CBP violated the Fourth Amendment by searching a car without a warrant, probable cause, or consent).

<sup>16</sup> *U.S. v. Brignoni-Ponce*, 422 U.S. 873, 883 (1975) (rejecting Border Patrol’s position that regulations allow CBP to “stop motorists at random for questioning . . . anywhere within 100 air miles” of the border).