

JAN 16 2014



**U.S. Customs and
Border Protection**

Arivaca Residents
P.O. Box 826
Arivaca, Arizona 85601

Dear Arivaca Residents:

We recently received your letter and petition, dated December 8, 2013, calling for the closure of the U.S. Border Patrol Checkpoint located on Arivaca Road ("Checkpoint"). First, I want to thank you for raising your concerns about the Checkpoint to us directly. Our mission requires that we not only protect our nation's borders, but that we do so with vigilance, integrity, and professionalism. Because our agency serves the public, it is important for us to receive feedback from the public, both positive and negative, so that we can continue to serve in the most effective and professional manner possible. It must be noted that as an agency of the executive branch, we are charged with enforcing the laws created by the legislative branch, but unlike the other two branches of the Federal government, our agency does not create new or change existing laws.

I want to assure you that I have read and understand your concerns about the Checkpoint location. That being said, this Checkpoint, along with the other checkpoints positioned near our international boundaries, are essential tools in helping us protect our nation's borders and enforce the immigration laws enacted by Congress. The U.S. Border Patrol is authorized to operate immigration checkpoints based on the Immigration and Nationality Act. The use of checkpoints as a tool for enforcing our nation's immigration laws has long been found to be lawful under the U.S. Constitution, as explained by the United States Supreme Court in *United States v. Martinez-Fuerte*, 428 U.S. 543 (1976). To not use this effective tool would have a substantial negative impact on our ability to accomplish our mission. Therefore, we will continue to utilize the Checkpoint in our daily operations.

You are welcome to bring to our attention any specific incidents or issues regarding local residents at the Checkpoint. While we will not close the Checkpoint, we do want to work with local residents to address concerns. Please remember that in the end, our checkpoints are a vital part of our efforts to safeguard the nation's borders.

Respectfully,

A handwritten signature in black ink, appearing to read "Manuel Padilla, Jr.", written over a horizontal line.

Manuel Padilla, Jr.
Chief Patrol Agent