

San Diego teacher detained by Border Patrol at internal immigration checkpoint

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Shane Parmely, a middle school teacher from San Diego, was stopped at a border patrol checkpoint in New Mexico late last month on her way home from a vacation with her children. After Parmely refused to answer the federal agents' questions the family was detained for more than an hour.

The checkpoint was on Interstate 10 just west of El Paso before Demming, New Mexico, approximately 30 miles north of the US-Mexico border. Parmely posted a series of videos to her Facebook account recording the incident which have since gone viral. Videos of the incident can be seen [here](#).

As Parmely pulled up to the checkpoint, one of the agents asked her, "Citizens?" Parmely responded, "Are we crossing a border?"

"No. Are you United States citizens?" the agent responded.

Parmely repeated again, "Are we crossing a border? I've never been asked if I'm a citizen before when I'm traveling down the road."

The agent continued to repeat his questions, but Parmely reiterated that she would not answer any question. The agent then stated, "You are required to answer an immigration question. You are not required to answer any other questions."

Parmely again refused to answer the question and was told that she and her family would be detained for an immigration inspection. "So if I just come through and say, 'Yes, I'm a citizen,' I can just go ahead?" she asks.

The agent responded, "If the agent is justified by the answer, then yes."

"So if I have an accent, and I'm brown, can I just say, 'Yes,' and go ahead, or do I have to prove it?" she asked. "I have a bunch of teacher friends who are sick of their kids being discriminated against."

Later on, Parmely's son asked if he might use the restroom. One agent told Parmely that he could not use the bathroom until his mother answered the question about her citizenship. Only after Parmely responded sharply did another agent come over to escort the child to a bathroom.

In a display of force, one of the Border Patrol agents shoved a card listing an immigration law and a Supreme Court case decision that gives Border Patrol agents authority to operate checkpoints within 100 miles of the US border and to ask questions about an individual's citizenship without warrant.

Agents detained Parmely and her family for over an hour until she was finally released without ever stating her citizenship. Since Parmely posted the video it has been watched over 2 million times on social media and has sparked an outpouring of support for her actions as well as anger against the authoritative Border Patrol agencies and policies.

Following the outpouring of support for Parmely, Border Patrol was quick to justify the incident. A spokesman issued the following statement: "Border Patrol checkpoints are a critical tool for the enforcement of our nation's immigration laws. At a Border Patrol checkpoint, an agent may question a vehicle's occupants about their citizenship, place of birth, and request document proof of immigration status, how legal status was obtained and make quick observations of what is in plain view in the interior of the vehicle." In other words, if a Border Patrol agent has a "hunch" that a person is not a US citizen they will be stopped and asked to show proof.

Nearly two-thirds of the United States' population lives within the 100-mile exception zone, which encompasses the majority of states, including New Jersey, Rhode Island, Maine, Massachusetts, Vermont,

Florida and New Hampshire. Major cities such as El Paso, Los Angeles, Seattle and Columbus, Ohio all fall within this zone. By this justification, the US Border Patrol could arbitrarily create checkpoints across the country and ask the roughly 200 million people that live within these areas about their citizenship.

Within this “Constitution-free zone,” Border Patrol agents are granted extra-constitutional powers. While the Fourth Amendment protects against random and arbitrary searches and seizures, at a border crossing, or port of entry, federal authorities do not need a warrant or even suspicion to conduct a “routine search” of one’s luggage or vehicle.

The 100-mile zone was first adopted by the US Department of Justice in 1953, at a time when there were less than 1,100 agents. Today, there are some 21,000 agents.

The Supreme Court has routinely upheld the practice of immigration checkpoints, most infamously in the 1976 ruling in *United States v. Martinez-Fuerte*, which found that if there is “reasonable collective suspicion” then a person’s car and belongings may be subjected to a search in the interest of public safety.

Terence Shigg, president of San Diego’s local chapter of the National Border Patrol Council, defended the invasive practice arguing that checkpoints are only located along routes used by transnational criminal organizations. In reality, checkpoints such as these serve to expand the reactionary power of the state and police agencies.

With the advent of the so-called war on terror more than 15 years ago, abuse by Border Patrol agents has only grown. The actions of the Trump administration and its full-throated support for the many armed bodies of men who patrol the border represent the culmination of decades of reactionary anti-immigrant policies and militarization of the border carried out by Republicans and Democrats alike.



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