

## Despite Border Search Exception, Warrant Needed for Laptop Analysis

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[United States District Court Judge Jeffrey S. White granted](#) a motion to suppress the search of a laptop, which was seized at a U.S. airport from someone returning on an international flight. This case signals what courts-- especially federal courts-- will hold to be reasonable expectations of privacy in the content of a computer brought into the United States.

One of the exceptions to the duty of government agents to get a warrant supported by probable cause before searching for evidence of crime is that of a [border search](#). An entrant to a country cannot reasonably expect to have the right to sneak contraband in. Still, should customs be able— on their own— to examine all the contents of an entrant's laptop?

On January 27, 2009, customs randomly chose Hanson for a secondary baggage examination. He sweated, stuttered and asked why his luggage was being inspected. They found a bag of condoms and a bottle filled with pills that Hanson said were for male enhancement. Hanson said that he had been teaching English in Korea and that some of his students were as young as five years old. The customs officer looked at the images on the computer, and found one of a mud-covered, unclothed, post-pubescent, minor girl smiling into the camera, her genitals exposed. The officer seized the computer and sent it to a computer lab.

That lab examined it on February 5. Customs examined the lab report February 13, and decided to seize the computer then. It was examined again that June where it was demonstrated to contain more than a 1,000 images of kiddie porn. Judge White ruled that the January and February actions were unobjectionable; the June examination required a warrant.

A border search and a reasonable extension of it can provide the probable cause to support a warrant to search and seize property. The content of a person's laptop like this is protected.

This case is about six weeks old. I found out about it for the first time from [Lawyers USA](#) yesterday.