

Man pleads guilty in Vt. in border child porn case

September 25 2009, By LISA RATHKE , Associated Press Writer

(AP) -- A Vermont man pleaded guilty Friday to charges he had child pornography on his laptop computer when he entered the United States from Quebec nearly three years ago.

Sebastien Boucher, 32 of Ascutney, also agreed to help federal agents access his computer so it could be searched, presumably giving up his password.

Boucher, a Canadian with U.S. residency, was arrested Dec. 17, 2006 as he and his father tried to cross the U.S.-Canadian border in Derby Line. At the border, he told agents he downloads pornography from news groups and sometimes unknowingly acquires child pornography but deletes the images if he realizes it, according to an affidavit filed by Immigration and Customs Enforcement.

Boucher helped an agent access the computer, which showed files such as, "Two year old being raped during diaper change," according to the affidavit. But when an investigator tried to access the computer after it was seized, he could not get into a certain drive because of encryption software.

A grand jury subpoena sought to get Boucher to give up his password, but that was blocked by a federal magistrate. U.S. District Court Judge Williams Sessions overruled that decision.

Computer privacy experts had been watching the case for its broad

policy implications.

The insistence that these searches are legal represents a new level of privacy invasion, said Allen Gilbert, director of the Vermont office of the American Civil Liberties Union.

"The facts of the Boucher case allegedly center on pornography, but the larger issue is government's authority to search digital devices. Do we really want government looking at what's on our laptops, iPhones, and Blackberries?" he said.

The Department of Homeland Security says searches of electronic media at borders are vital to detecting information about terrorist plans or criminal activity such as possession of child pornography or trademark or [copyright infringement](#).

Federal agents have searched 1,000 laptops, 46 thoroughly, at U.S. ports of entry between Oct. 1, 2008 and Aug. 11, 2009, DHS said.

But laptops also contain personal and confidential information, whether its lawyer-client privileged, a doctor's notes about patients, a journalist's sources, or personal e-mails, said Lee Tien, an attorney with the Electronic Frontier Foundation, a San Francisco-based group focused on civil liberties in the digital world.

"I don't think you have any obligation to give up your privacy at the border further than what the sort of normal rules are," he said.

Boucher, who pleaded guilty to possessing child pornography that had been transported in interstate or foreign commerce, faces up to 10 years in prison when he's sentenced Jan. 4. He also could be deported.

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