

NY suit challenging laptop searches is tossed

January 1 2014, by Tom Hays

U.S. border agents should have the authority to search laptop computers carried by news photographers and other travelers at international border crossings without reasonable suspicion, a federal judge in Brooklyn ruled Friday.

In a written decision, U.S. District Judge Edward Korman granted a government motion to dismiss a lawsuit filed by civil rights attorneys that claimed the practice was unconstitutional and sought to have it halted.

Korman found that the plaintiffs hadn't shown they suffered injury that gave them standing to bring the suit. He also cited previous rulings finding that the Fourth Amendment constitutional right against unreasonable searches doesn't apply to the government's efforts to secure international borders from outside threats.

The American Civil Liberties Union, the New York Civil Liberties Union and the National Association of Criminal Defense Lawyers had filed the suit on behalf of the National Press Photographers Association, criminal defense lawyers and a college student: Pascal Abidor, a French-American citizen whose [laptop computer](#) was confiscated at the Canadian border.

In a statement, an ACLU attorney said the organization was considering an appeal.

"Unfortunately, these searches are part of a broader pattern of aggressive

government surveillance that collects information on too many innocent people, under lax standards, and without adequate oversight," said the lawyer, Catherine Crump.

The decision on Tuesday took sharp aim at claims by the [photographers](#) and the others that the searches by the U.S. Immigration Customs and Enforcement and Customs and Border Protection could unmask confidential news sources or reveal sensitive professional or personal information. Abidor alleged that an inspection of a computer containing research he'd done abroad on the modern history of Shiites "had an extreme chilling effect on my work, studies and private life."

Abidor "cannot be so naive to expect that when he crosses into Syrian or Lebanese border that the contents of his computer will be immune from searches and seizures at the whim of those who work for Bashar al-Assad or Hassan Nasrallah," the judge said, referring to the president of Syria and leader of Hezbollah.

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