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Gannett News Service

WASHINGTON — Jawad Khaki came to America for justice and freedom. But he says he doubts those ideals after U.S. customs officials have repeatedly searched his smart phone when he returns from abroad.

Khaki's story joins other reports in the past few years of U.S. customs officials searching laptops, cellphones and digital cameras in the name of security. In April, the 9th U.S. Circuit Court of Appeals upheld the constitutionality of border searches of electronics in a child pornography case.

"I've had to unlock my phone and show them my scheduled tasks, calendar and contacts," said Khaki, 50, a corporate executive who has been a U.S. citizen since leaving England 23 years ago.

Customs officials say that electronic storage media are the places where they can find evidence of criminal enterprise — such as child pornography or money laundering. Such media are also where vital data of a traveler's life are kept, such as health records, financial documents, passwords, contracts and memoranda.

"Under the U.S. Constitution, a warrant is needed to search a physical space, such as an office," said Susan Gurley, a spokeswoman for the Association of Corporate Travel Executives. "Yet, the warrantless and unanticipated seizure of one's mobile office has been allowed."

The Homeland Security Department has not released numbers on how often electronics searches occur, but Gurley points to a survey by her group indicating that 7% of business travelers have been subject to the seizure of a portable device.

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U.S. Customs and Border Protection did not respond to specific inquiries but released a statement last month backing laptop searches in cases involving child pornography, jihadist material and corporate espionage.


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