stopping and examining persons and property crossing into this country, are reasonable simply by virtue of the fact that they occur at the border, should, by now, require no extended demonstration." [308] Authorized by the First Congress,[309] the customs search in these circumstances requires no warrant, no probable cause, not even the showing of some degree of suspicion that accompanies even investigatory stops.[310] Moreover, although prolonged detention of travelers beyond the routine customs search and inspection must be justified by the *Terry* standard of reasonable suspicion having a particularized and objective basis, *Terry* protections as to the length and intrusiveness of the search do not apply.[311] Motor vehicles may be searched at the border, even to the extent of removing, disassembling, and reassembling the fuel tank.[312]

Inland stoppings and searches in areas away from the borders are a different matter altogether. Thus, in *Almeida-Sanchez v. United States*,[313] the Court held that a warrantless stop and search of defendant's automobile on a highway some 20 miles from the border by a roving patrol lacking probable cause to believe that the vehicle contained illegal aliens violated the Fourth Amendment. Similarly, the Court invalidated an automobile search at a fixed checkpoint well removed from the border; while agreeing that a fixed checkpoint probably gave motorists less cause for alarm than did roving patrols, the Court nonetheless held that the invasion of privacy entailed in a search was just as intrusive and must be justi-

---

[308] United States v. Ramsey, 431 U.S. 606, 616 (1977) (sustaining search of incoming mail). *See also* Illinois v. Andreas, 463 U.S. 765 (1983) (opening by customs inspector of locked container shipped from abroad).

[309] Act of July 31, 1789, ch. 5, §§ 23, 24, 1 Stat. 43. *See* 19 U.S.C. §§ 507, 1581, 1582.

[310] Carroll v. United States, 267 U.S. 132, 154 (1925); United States v. Thirty-seven Photographs, 402 U.S. 363, 376 (1971); Almeida-Sanchez v. United States, 413 U.S. 266, 272 (1973).

[311] United States v. Montoya de Hernandez, 473 U.S. 531 (1985) (approving warrantless detention incommunicado for more than 24 hours of traveler suspected of alimentary canal drug smuggling). The traveler was strip searched, and then given a choice between an abdominal x-ray or monitored bowel movements. Because the suspect chose the latter option, the court disavowed decision as to "what level of suspicion, if any, is required for . . . strip, body cavity, or involuntary x-ray searches." Id. at 541 n.4.

[312] United States v. Flores-Montano, 541 U.S. 149 (2004).

[313] 413 U.S. 266 (1973). Justices White, Blackmun, Rehnquist, and Chief Justice Burger would have found the search reasonable upon the congressional determination that searches by such roving patrols were the only effective means to police border smuggling. Id. at 285. Justice Powell, concurring, argued in favor of a general, administrative warrant authority not tied to particular vehicles, much like the type of warrant suggested for noncriminal administrative inspections of homes and commercial establishments for health and safety purposes, id. at 275, but the Court has not yet had occasion to pass on a specific case. *See* United States v. Martinez-Fuerte, 428 U.S. 543, 547 n.2, 562 n.15 (1976).