

Fourth Amendment Dead?

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Unconstitutional actions are constitutional.

A federal judge doesn't say so explicitly, but that's what his ruling amounts to.

The case, which we discussed previously, involves U.S. Private Vaults, a Beverly Hills company that the Federal Bureau of Investigation raided last year. The company has been fined \$1.1 million for money laundering because it let dealers anonymously keep cash in its safe deposit boxes.

Judge Gary Klausner concedes that the FBI lied to obtain a warrant, planning to seize the property of all boxholders whether or not

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there was any evidence of a crime against a given boxholder. And to this day, "specific criminal conduct has not been alleged against customers." Nevertheless, Klausner ruled that despite the lie, it was constitutional for the FBI to grab the boxes' contents.

Of course, if the warrant authorizing the FBI to



ignore Fourth Amendment protections against unreasonable searches and seizures had been honestly solicited, that still would not have transmuted unconstitutional actions into constitutional ones.

"The court does not deny that the government had an improper motive when it applied for its warrant," observes Rob Johnson, an attorney with the Institute for Justice, which is representing the boxholders.

"But it says that fact is irrelevant unless the improper investigatory motive was the only reason that the Government opened the safety deposit boxes. . . . If today's shocking decision stands, it will set a dangerous precedent that will allow the FBI and other law enforcement agencies to bypass the Fourth Amendment."

Thankfully, the Institute for Justice doesn't regard the case as closed. It will appeal.

This is Common Sense. I'm Paul Jacob.