indefeasible right of personal security, personal liberty and private property. . . . Breaking into a house and opening boxes and drawers are circumstances of aggravation; but any forcible and compulsory extortion of a man's own testimony or of his private papers to be used as evidence to convict him of crime or to forfeit his goods, is within the condemnation of that judgment. In this regard the Fourth and Fifth Amendments run almost into each other." [163]

Although it may be doubtful that the equation of search warrants with subpoenas and other compulsory process ever really amounted to much of a limitation,[164] the Court currently dispenses with any theory of "convergence" of the two amendments.[165] Thus, in *Andresen v. Maryland*,[166] police executed a warrant to search defendant's offices for specified documents pertaining to a fraudulent sale of land, and the Court sustained the admission of the papers discovered as evidence at his trial. The Fifth Amendment was inapplicable, the Court held, because there had been no compulsion of defendant to produce or to authenticate the documents.[167] As for the Fourth Amendment, because the "business records" seized were evidence of criminal acts, they were properly seizable under the rule of *Warden v. Hayden*; the fact that they were "testimonial" in nature (records in the defendant's handwriting) was irrelevant.[168] Acknowledging that "there are grave dangers inherent in executing a warrant authorizing a search and seizure of a person's papers," the Court observed that, although some "innocuous documents" would have to be examined to ascertain which papers were to be seized, authorities, just as with electronic "seizures" of telephone conversations, "must take care to assure that [searches] are conducted in a manner that minimizes unwarranted intrusions upon privacy." [169]

Although *Andresen* was concerned with business records, its discussion seemed equally applicable to "personal" papers, such as diaries and letters, as to which a much greater interest in privacy exists. The question of the propriety of seizure of such papers continues

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[163] Boyd v. United States, 116 U.S. 616, 630 (1886).

[164] *E.g.*, Oklahoma Press Publishing Co. v. Walling, 327 U.S. 186, 209–09 (1946).

[165] Andresen v. Maryland, 427 U.S. 463 (1976); Fisher v. United States, 425 U.S. 391, 405–14 (1976). *Fisher* states that "the precise claim sustained in *Boyd* would now be rejected for reasons not there considered." Id. at 408.

[166] 427 U.S. 463 (1976).

[167] 427 U.S. at 470–77.

[168] 427 U.S. at 478–84.

[169] 427 U.S. at 482, n.11. Minimization, as required under federal law, has not proved to be a significant limitation. Scott v. United States, 425 U.S. 917 (1976).