SUPREME COURT OF THE UNITED STATES

No. 98–223

FLORIDA, PETITIONER *v.* TYVESSEL TYVORUS WHITE

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF FLORIDA

[May 17, 1999]

JUSTICE SOUTER, with whom JUSTICE BREYER joins, concurring.

I join the Court's opinion subject to a qualification against reading our holding as a general endorsement of warrantless seizures of anything a State chooses to call "contraband," whether or not the property happens to be in public when seized. The Fourth Amendment does not concede any talismanic significance to use of the term "contraband" whenever a legislature may resort to a novel forfeiture sanction in the interest of law enforcement, as legislatures are evincing increasing ingenuity in doing, cf., *e.g.*, *Bennis* v. *Michigan*, 516 U. S. 442, 443–446 (1996); *id.*, at 458 (STEVENS, J., dissenting); *United States* v. *James Daniel Good Real Property*, 510 U. S. 43, 81–82, and n. 1 (1993) (THOMAS, J., concurring in part and dissenting in part) (expressing concern about the breadth of new forfeiture statutes). Moreover, *G. M. Leasing Corp.* v. *United States*, 429 U. S. 338 (1977), (upon which we rely today) endorsed the public character of a warrantless seizure scheme by reference to traditional enforcement of government revenue laws, *id.*, at 351–352, and n. 18 (citing, *e.g.*, *Murray's Lessee* v. *Hoboken Land & Improvement Co.*, 18 How. 272 (1856)), and the legality of seizing abandoned contraband in public view, 429 U. S., at 352 (citing *Hester* v. *United States*, 265 U. S. 57 (1924)).