

# Yale bomb turns man's life upside down

Previously convicted of unrelated crime,  
spends 6 days in jail during FBI probe

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Benjamin Johnson had no idea that a few sentences in a note book would send him back to jail for six days.

Or prompt federal agents and state police to search his parents' house for hours.

Or attract hordes of media to his Hamden neighborhood.

"It was a lousy week for him, to say the least," said Johnson's lawyer, Penn Rhodeen of New Haven.

But the contents of his notebook — coupled with a criminal conviction — gave federal agents the probable cause necessary to turn Johnson's life upside down as part of their investigation into the bombing at Yale Law School.

Johnson was never charged as a result of the search and was allowed to go home after six days in custody.

Law experts say the threshold for "probable cause" is purposely

low and intentionally vague to give law-enforcement agencies broad power to conduct criminal investigations.

"Unfortunately, we live in a police state," said Greg Cerritelli, a former police officer who is a criminal defense attorney in New Haven.

Johnson was convicted of larceny last year for stealing valuable books, letters and documents from Yale's Beinecke Rare Book and Manuscript Library.

The library is across the street from the site of the bombing at Yale Law School, and investigators were looking at disgruntled students or anyone who had a grudge against Yale as possible suspects.

Johnson, who served 15 months and was allowed under a special program to serve the remainder of his sentence at home, was taken back to jail June 4, shortly before the FBI and state



Johnson

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## Search: Probable cause threshold purposely low

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police descended on his parents' Ridge Road home, where he lived.

In Connecticut, law enforcement officers must show probable cause for a judge to grant a search warrant. They establish probable cause with "facts, circumstances and rational inferences" from their investigation, Cerritelli said.

At least two law enforcement officers must swear under oath that they believe they will find criminal evidence in a home or building. Most requests for search warrants are granted, Cerritelli said.

"It's very rare that police are denied because the standard is so low," he said. "And it's very, very infrequent that search warrants are successfully challenged."

The federal search warrant for Johnson's home is sealed. Investigators won't say what was taken out of the house during the search, or if and when it was returned.

"We have nothing to report at this time," said Delcie Thibault of the U.S. attorney's office. "We cannot discuss any aspect of the investigation."

Society's political environment influences court rulings in search-and-seizure cases, said Art Paulson, a political science professor at Southern Connecticut State University.

That environment, he said, has gravitated in favor of public safety and law enforcement over the last 30 years.

"Courts by design are political institutions," he said. "In the (more liberal) 1960s, a high-profile case would've pushed the line

toward civil liberties."

Paulson said the same courts that issue search warrants also decide after the fact if a search was unreasonable. And no set standard exists.

"Courts have the case-by-case authority to say if the person's rights have been invaded," Paulson said. "The search-and-seizure line has never been a solid one. It does waiver."

Johnson and his parents are not angry about the search and accepted it as a necessary evil of the previous conviction.

"They decided to roll with it," Rhodeen said. "Of course it was extraordinary and it was scary, but being agitated was not going to change anything," he said.

Rhodeen said the FBI agents conducting the search didn't "toss" the house and were polite and professional. The family had felt the heat of the spotlight before when local police searched their home looking for the stolen rare documents.

"This was almost easier (for the family) because there was nothing to hide," Rhodeen said.

Rhodeen said his client understands why he was the brief target of the Yale bombing investigation and why he was taken back into custody.

"He knows this is what happens when one becomes a prisoner," he said. "There's no element of 'why me?' here. He's grateful for a swift release."

Rhodeen also said Johnson and his family do not want to talk about the ordeal.

"They just want to go about their lives," he said.