

Subject: File No. S7-04-23

From: Anonymous

Dear SEC, I am writing with significant constitutional and legal concerns regarding the proposed amendments to the custody rule under the Investment Advisers Act. While protecting client assets is crucial, core individual rights to privacy, due process, free speech, and freedom of association must also be safeguarded. There are less intrusive alternatives to achieve regulatory aims without compromising basic freedoms. The proposed digital asset reporting and oversight violates informational privacy rights under *Whalen v. Roe* and *NASA v. Nelson*. Broad, warrantless surveillance of routine financial transactions exceeds what is permissible absent individualized suspicion. Americans maintain reasonable expectations of privacy regarding data revealing sensitive personal details under *Carpenter v. United States*. Tracing all transactions absent a warrant oversteps 4th Amendment boundaries. In addition, the vagueness of "digital assets" enables arbitrary enforcement in violation of due process under *Sessions v. Dimaya* and *Connally v. General Construction Co.* Without precise definitions of covered activities, individual advisors cannot reasonably understand their legal obligations. Vague standards allow discrimination against disfavored groups per *Bankshot Billiards v. City of Ocala*. Furthermore, compelled disclosure of transaction details exceeding necessity contravenes 1st Amendment protections against mandated speech under *Wooley v. Maynard*. For instance, reporting gross proceeds rather than capital gains compels speech not essential to prevent misappropriation. Less intrusive alternatives exist under *Riley v. National Federation of Blind*. These proposals also undermine free association rights under *NAACP v. Alabama* by deterring membership in certain digital asset communities through invasive tracking. Warrantless surveillance chills expressive association. Cryptocurrencies additionally warrant defense as protected speech under *Junger v. Daley* and *Bernstein v. DOJ*. Code constitutes expressive content shielded from overbroad regulations. Imposing broad transaction reporting and oversight could chill protected technological expression. In conclusion, I strongly urge the SEC tailor its proposed amendments with core constitutional rights. Protecting consumers need not come at the expense of fundamental freedoms. Sincerely, Anonymous