Bright-Line Rules: Development of the Law of Search and Seizure during Traffic Stops

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I. INTRODUCTION

“A man’s home is his castle, and I’m king of this castle, Alice.”

The concept that a man’s home is his castle is steeped in tradition. Even the King of England could not enter a home without a warrant. As William Pitt declared in the British Parliament:

The poorest man may, in his cottage, bid defiance to all the force of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the King of England may not enter; all his force dares not cross the threshold of the ruined tenement.

The United States followed the same tradition of jurisprudence requiring a warrant, which shall not issue “but upon probable cause,” before a government agent can enter a home for a search. A different view, however, governs searches of persons in transit. Chief Justice William Howard Taft, writing the majority opinion in Carroll v. United States, noted that the First Congress distinguished between the necessity for a search warrant for goods subject to forfeiture in the home and

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1. Ralph Kramden, The Honeymooners.
3. U.S. CONST. amend. IV.
for goods subject to forfeiture being transported in a movable vessel. Chief Justice Taft reasoned that transported goods could be distinguished from goods within the home because goods being transported could be put beyond the reach of a search warrant before the warrant was issued. The Carroll opinion recalled that the First, Second, and Fourth Congresses passed legislation authorizing customs officers to enter a vessel, conduct a search, seize goods subject to a duty tax that was not paid, or seize any goods that they believed were brought illegally into the country, all without a warrant.

During what has come to be known as America's Century, the automobile emerged as the dominant mode of transportation. Although a man's home remains his castle, a person's automobile receives much less protection from the vicissitudes of a police search than a person's home. In the 1970s, the United States Supreme Court's decisions regarding automobile searches and seizures supported expectations of privacy over effective law enforcement. More recently, the Court's decisions have favored state interests by specifically assisting the police in the performance of official duties and providing bright-line rules that expanded police authority to search a detainee during a traffic stop.

This ebb and flow in Fourth Amendment jurisprudence seems to reflect the times. The Court initially fashioned the automobile exception to the warrant requirement during Prohibition, when bootleggers, who were successfully transporting liquor in clandestine fashion by truck and auto, confounded federal authorities. During the 1960s and 1970s, when courts paid more attention to defendants' rights and individual expectations of privacy, Fourth Amendment jurisprudence shifted to re-

6. See id. at 147.
7. See id. (citing Boyd v. United States, 116 U.S. 616 (1886)). Chief Justice Taft noted that a movable vessel poses special considerations for Fourth Amendment jurisprudence. See id. at 151.
8. See id. at 149-50 (noting Congress's intent to allow such warrantless searches under its early legislation, which mainly dealt with revenue laws).
11. See Acevedo, 500 U.S. at 579 (holding that police may search an automobile where they have probable cause to believe it contains contraband); United States v. Ross, 456 U.S. 798, 800 (1982) (holding that the police may conduct a warrantless search of a vehicle thought to contain contraband as thoroughly as a warrant would provide).
12. See infra notes 19-31 and accompanying text (discussing the development of the automobile exception in Carroll).
flect this more liberal bent. Today, in the midst of the war on drugs, the Supreme Court’s search and seizure decisions favoring state interests through the setting of bright-line rules for effective law enforcement are not surprising.

The development of bright-line rules in search and seizure cases helps law enforcement officials as well as trial and appellate courts. Police officials can more easily instruct officers in broad, clear-cut terms as to the legal procedures for conducting searches and seizures. Trial judges can more easily apply bright-line rules in deciding cases. Appellate courts can expect fewer appeals seeking clarification of search and seizure law. Yet, these benefits do not come without a cost. Unfortunately, the rights of individuals receive less attention when the thrust of the analysis shifts from whether an individual had a reasonable expectation of privacy—in the purse of a woman who is not a suspect of any wrong doing, for example—to whether an officer had probable cause to believe the vehicle contained contraband.

This Article traces the evolving tension between state interests and the right to individual privacy in search and seizure jurisprudence. It begins by highlighting early cases that figure prominently in current decisions. It then discusses 1970s cases that tilted the balance in favor of individual rights. Finally, the Article examines two recent Supreme Court rulings: Wyoming v. Houghton, which follows the trend toward state interests, and Knowles v. Iowa, which appears to fly in the face of that trend. These cases offer opposing rationales for the current state of the law regarding searches pursuant to a traffic stop of the motorist.

II. EARLY CASES

In 1925, the Supreme Court outlined the scope of Fourth Amendment protection in the realm of traffic stops with its decision in Carroll v. United States. In Carroll, federal prohibition agents trailed the infamous Carroll boys. Acting without a warrant, federal prohibition

13. See infra notes 70-90 & 120-43 and accompanying text (discussing the reasoning in Chadwick and Sanders, respectively).
14. See infra Part II (discussing Carroll and Chambers v. Maroney, 399 U.S. 42 (1970)).
15. See infra Part III (discussing Chadwick and Sanders).
18. See infra Part IV (discussing Houghton and Knowles).
20. See id. at 135. George Carroll and John Kiro were known bootleggers, wanted by federal prohibition agents, who patrolled the roads between Detroit and Grand Rapids. See id. at 135-36.
agents stopped and searched the defendants' car sixteen miles east of Grand Rapids, Michigan. They recovered sixty-eight bottles of bootleg whiskey and gin from behind the seat upholstery. The Court held that a search warrant was unnecessary where government agents had probable cause to search an automobile stopped on the highway.

In reaching this holding, the Carroll Court first considered the scope of the National Prohibition Act (the "Act"), which provided that federal agents needed a search warrant to search a home for illegal liquor. Specifically, the Carroll Court questioned whether the Act was applicable in the context of an automobile search for bootleg liquor, thereby requiring a search warrant prior to executing such a search. The Court presumed that Congress did not want federal agents conducting warrantless invasions of private homes across America in search of bootleg liquor. Indeed, the Court pointed out that the Act even provided for the punishment of any federal agent who searched a private home without a warrant. Nevertheless, the Act contained no provision prohibiting agents from conducting warrantless searches of vehicles believed to contain liquor in violation of the Eighteenth Amendment.

In Carroll, Chief Justice Taft observed that the First Congress, during the adoption of the Fourth Amendment, required a warrant to search a home for contraband. In contrast, however, Congress permitted warrantless searches for contraband in transit upon probable cause. Chief Justice Taft noted that goods in transit differed from goods in the home because a party could quickly move the goods in transit out of the jurisdiction before officials could obtain a warrant. Thus, Carroll estab-
lished the first bright-line rule that officials may search an automobile without a warrant on probable cause to believe it contains contraband.31

Forty-five years later, in Chambers v. Maroney,32 the Court extended the Carroll Court’s automobile exception, holding that if police officers had probable cause to stop a car and search it for guns and stolen money, they also could perform a subsequent warrantless search of that car at the police station.33 Chambers involved the gunpoint robbery of a Gulf service station in North Braddock, Pennsylvania on the evening of May 20, 1963.34 Within an hour of the robbery, the police stopped a blue compact station wagon, in which Frank Chambers rode, because the wagon matched the description of the getaway car.35 The police immediately arrested the four men in the car, took the car to the police station, and thoroughly searched it.36 During the search, the police recovered two revolvers, one of which was loaded, as well as cards bearing the name of Raymond Havicon, the attendant at another service station who was robbed one week earlier in McKeesport, Pennsylvania.37 Chambers was subsequently convicted of both robberies.38

Unlike the car in Carroll, the police did not search Chambers’s car until some time after the arrest.39 Because of the timing of the search, the Court held that the search of the car was not justified as a search incident to an arrest.40 The Court first noted, however, that pursuant to Carroll, the police certainly could have legally searched the car for guns and stolen money at the scene.41 The Court then extended Carroll’s

31. See id.
33. See id. at 43 (affirming the Third Circuit’s decision that no Fourth Amendment violation occurred).
34. See id. at 44.
35. See id.
36. See id.
37. See id.
38. See id. at 46. Chambers did not seriously dispute, and the court agreed, that the police had probable cause to stop the vehicle matching the description of the getaway car and arrest him at the scene. See id. Instead, Chambers’s case came before the Supreme Court on review of the denial of his petition for habeas corpus. See id.
39. See id. at 47. The significance of this issue is clear. In Carroll, Chief Justice Taft expressed concern that the car, and, hence, the evidence within it, was easily transportable. See supra notes 28-31 and accompanying text (discussing Chief Justice Taft’s reasoning for permitting the warrantless search in Carroll). Here, this concern was diminished as the car had already been taken to the police station; thus, police faced no danger in losing the evidence. See supra notes 34-38 and accompanying text (discussing the facts of Chambers).
40. See Chambers, 399 U.S. at 47 (citing Preston v. United States, 376 U.S. 364, 367 (1964), which stated that “[o]nce an accused is under arrest and in custody, then a search made at another place...is simply not incident to an arrest”).
41. See id. at 48; see also supra notes 24-31 and accompanying text (discussing the reasoning
holding, reasoning that because the armed robbery suspects were arrested in a dark parking lot in the middle of the night, a careful search at that point was impractical and unsafe for the officers.\textsuperscript{42} Accordingly, under the particular facts and circumstances of the case, the Court concluded that the police officers acted reasonably when they searched the car at the station rather than at the scene.\textsuperscript{43}

Both \textit{Carroll} and \textit{Chambers} foreshadowed the opinions of and provided the foundation for two recent Supreme Court rulings: \textit{Knowles v. Iowa} and \textit{Wyoming v. Houghton}.\textsuperscript{44} Both \textit{Carroll} and \textit{Chambers} focused on whether the officers had probable cause to search the vehicles for contraband, rather than on the vehicle owners’ expectation of privacy.\textsuperscript{45} In contrast, neither \textit{United States v. Chadwick}\textsuperscript{46} nor \textit{Arkansas v. Sanders},\textsuperscript{47} both decided during the 1970s Warren Court era, relied upon either \textit{Carroll} or \textit{Chambers}.\textsuperscript{48} The \textit{Chadwick} Court rejected the notion that the Warrant Clause\textsuperscript{49} protects only dwellings and other specifically designated locales, noting that the Fourth Amendment "protects people, not places."\textsuperscript{50} The contrasting opinions of the Court reveal the ebb and flow in Fourth Amendment jurisprudence. Some decisions establish bright-line rules to assist law enforcement officials, while others protect the privacy rights of individuals. The modern Court has promoted the interests of the state over the privacy interests of individual citizens.\textsuperscript{51} Unfortunately, a bright-line rule that promotes effective law enforcement provides less attention to individual rights.

\begin{itemize}
\item \textsuperscript{42} See \textit{Chambers}, 399 U.S. at 52 n.10.
\item \textsuperscript{43} See \textit{id}.
\item \textsuperscript{44} See infra Part IV.A-B (discussing \textit{Knowles} and \textit{Houghton}).
\item \textsuperscript{45} See supra notes 24-31 and 39-43 and accompanying text (discussing the bases of the Court’s opinions in \textit{Carroll} and \textit{Chambers}, respectively).
\item \textsuperscript{48} See infra Part III (discussing \textit{Chadwick} and \textit{Sanders}).
\item \textsuperscript{49} See U.S. \textit{CONST.} amend. IV. The Fourth Amendment Warrant Clause provides “no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” \textit{id}.
\item \textsuperscript{50} \textit{Chadwick}, 433 U.S. at 7 (citing \textit{Katz} v. United States, 389 U.S. 347, 351 (1967)). Similarly, the \textit{Sanders} Court emphasized the importance of the Warrant Clause in concluding that the state of Arkansas failed to carry its burden of demonstrating the need for warrantless searches of luggage properly taken from automobiles. \textit{See Sanders}, 442 U.S. at 763.
\item \textsuperscript{51} See infra Part IV.C (arguing that the Supreme Court’s recent Fourth Amendment jurisprudence places state interests above individual privacy interests).
\end{itemize}
III. THE PENDULUM SWINGS AWAY FROM THE BRIGHT-LINE RULE

"Something there is that doesn't love a wall."\(^{52}\)

If Robert Frost were describing the Chadwick and Sanders Courts, he might have written instead, "[s]omething there is in Justice that doesn't like a search without a warrant." If Frost were writing from the viewpoint of the authors of Chadwick and Sanders, he might have replaced the language "[g]ood fences make good neighbors" from his poem, Mending Wall,\(^{53}\) with the statement "[g]ood warrants make good police officers." In the late 1970s, the Warren Court authored the Chadwick and Sanders opinions, representing a marked shift from the Court's previous position in Carroll v. United States and Chambers v. Maroney.\(^{54}\) Rather than place the state’s interest in effective law enforcement above the privacy interests of motorists, the Warren Court restricted the bright-line rules that had established the automobile exception.\(^{55}\)

A. United States v. Chadwick

In Chadwick, federal narcotics agents waited at the Boston train station for people matching the defendants’ descriptions.\(^{56}\) A dog trained to smell narcotics “alerted” the agents to the presence of narcotics inside the footlocker being transported by defendants Gregory Machado and Bridget Leary.\(^{57}\) As the suspects loaded the footlocker into Chadwick’s waiting car outside the train station, officers arrested all three suspects.\(^{58}\) The agents took the three arrestees and the footlocker to the Boston Federal Building.\(^{59}\) At the federal building, an hour and a half later, the agents opened the footlocker and found marijuana.\(^{60}\) The Government sought to justify its failure to secure a search warrant under both the automobile exception of Chambers and as a search incident to

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\(^{52}\) Robert Frost, Mending Wall, in THE ROAD NOT TAKEN: AN INTRODUCTION TO ROBERT FROST 112 (1951).

\(^{53}\) Id.

\(^{54}\) See infra Part III.A-B (discussing the opinions in Chadwick and Sanders, respectively).

\(^{55}\) See supra Part II (discussing the development of the “automobile exception”).

\(^{56}\) See United States v. Chadwick, 433 U.S. 1, 3 (1977), overruled by California v. Acevedo, 500 U.S. 565 (1991). Two days prior, Amtrak officials observed the defendants load a footlocker on to the train. See id. They noticed talcum power on the footlocker, which is often used to mask the smell of marijuana. See id. They alerted federal agents to this event. See id.

\(^{57}\) See id. at 3-4.

\(^{58}\) See id at 4. "A search disclosed no weapons, but the keys to the footlocker were apparently taken from Machado." Id.

\(^{59}\) See id.

\(^{60}\) See id. The Government conceded that the footlocker was under its agents’ control the entire time after the arrest. See id.
In granting the motion to suppress, the trial court rejected both arguments and held that "[w]arrantless searches are per se unreasonable, subject to a few carefully delineated and limited exceptions." The Supreme Court previously held that a search incident to an arrest must be confined to the person arrested and the area from which the person arrested might reach for weapons or destructible evidence. Accordingly, the trial court found that the "200-pound footlocker was not part of 'the area from within which [defendants] might gain possession of a weapon.'"

On appeal, the Government argued that the Fourth Amendment's Warrant Clause "protects only interests traditionally identified with the home." The Government, analogizing to colonial writs of assistance, contended that the Framers adopted the Warrant Clause to protect individuals against unjustified government intrusion into private homes without the authority of a warrant. Furthermore, the Government maintained that no evidence indicated that the Framers intended either to "disturb the established practice of permitting warrantless searches outside the home," or to modify the Warrant Clause of the Fourth Amendment "by making warrantless searches supported by probable cause per se unreasonable." Essentially, the Government argued that the warrant requirement should be limited to searches of a person's home or other equally private areas. In all other situations, the Government asserted, "less significant privacy values are at stake, and the reasonableness of a government intrusion should depend solely on whether there is probable cause to believe evidence of criminal conduct is present."

The Chadwick Court did not agree that the Warrant Clause protected only dwellings and other specifically designated locales. Citing Katz

61. See id. at 5.
62. Id. (citing the district court opinion, United States v. Chadwick, 393 F. Supp. 763, 771 (D. Mass. 1975)).
63. See id. (citing Chimel v. California, 395 U.S. 752, 763 (1969)).
64. Id. (quoting Chadwick, 393 F. Supp. at 771).
65. Id. at 6.
66. See id.
67. Id. at 6-7.
68. See id. at 7 (naming "homes, offices, and private communications" as the core areas of Fourth Amendment protection).
69. Id.
70. See id. Chief Justice Burger noted that warrants had been required for many searches conducted outside the home. See id. (citing G.M. Leasing Corp. v. United States, 429 U.S. 338 (1977) (holding that warrants are required to search offices); Coolidge v. New Hampshire, 403 U.S. 443 (1971) (holding that warrants are required to search automobiles on private premises);
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v. United States,\textsuperscript{71} the Court restated its position that the Fourth Amendment "protects people, not places."\textsuperscript{72} Accordingly, the Court framed the issue as "[w]hether a search warrant is required before federal agents may open a locked footlocker that is properly in their possession and that they have probable cause to believe contains contraband."\textsuperscript{73} While acknowledging that the searches first and foremost in the Framers' minds were those involving invasions of the home, the Chadwick Court noted that the Warrant Clause does not distinguish between searches within the home and those outside of the home.\textsuperscript{74} Chief Justice Warren Burger observed that the Framers' intent regarding the breadth of the Warrant Clause's application was inconclusive.\textsuperscript{75} Therefore, the Court simply asked whether the search was reasonable under all the circumstances.\textsuperscript{76}

First, the Court praised the merits of a warrant signed by a neutral magistrate, as opposed to a warrantless search that may be carried out in the "hurried judgment of a law enforcement officer 'engaged in the often competitive enterprise of ferreting out crime.'"\textsuperscript{77} Chief Justice Burger added that once an officer begins a search, the officer is more likely to keep the search within reasonable bounds if conducted pursuant to a warrant "'particularly describing the place to be searched and the persons or things to be seized.'"\textsuperscript{78} The Court cited several cases where the Court required warrants to conduct searches outside the home.\textsuperscript{79} The Court emphasized that a "fundamental purpose of the Fourth Amend-

\textsuperscript{71} Mancusi v. DeForte, 392 U.S. 364 (1968) (holding that warrants are required to search offices); Katz v. United States, 389 U.S. 347 (1967) (holding that warrants are required for electronic interceptions of conversations in public phone booths); Preston v. United States, 376 U.S. 364 (1964) (holding that warrants are required to search an automobile in custody); United States v. Jeffers, 342 U.S. 48 (1951) (holding that warrants are required to search hotel rooms).

\textsuperscript{72} Katz v. United States, 389 U.S. 347, 351 (1967) (holding that government eavesdropping on a public phone call without a warrant violated the Fourth Amendment).

\textsuperscript{73} Chadwick, 433 U.S. at 7 (citing Katz, 389 U.S. at 351).

\textsuperscript{74} Id. at 7 n.3.

\textsuperscript{75} See id. at 8 (noting that searches involving an invasion of the home were foremost in the Framers' minds because the colonists had suffered through the King's general warrants, which gave sweeping power to customs officials and agents of the King to search a home for smuggled goods).

\textsuperscript{76} Id. at 8-9.

\textsuperscript{77} See id. at 9 (citing Cooper v. California, 386 U.S. 58 (1967)).

\textsuperscript{78} Id. at 9 (quoting Johnson v. United States, 333 U.S. 10, 14 (1948)).

\textsuperscript{79} See Chadwick, 433 U.S. at 10 (citing Coolidge v. New Hampshire, 403 U.S. 443, 478, 483-84 (1971) (determining that a warrant is needed to search a car on private property); Katz v. United States, 389 U.S. 347, 358-59 (1967) (holding that warrantless eavesdropping on a public telephone violates the Fourth Amendment)).
ment is to safeguard individuals from unreasonable government invasions of legitimate privacy interests, and not simply those interests found inside the four walls of the home.\textsuperscript{80}

Next, the Court contended that the facts and circumstances of this case fell outside the automobile exception outlined in \textit{Carroll}.\textsuperscript{81} The Court characterized the search at issue as a footlocker search rather than a search of an automobile because the police transported the footlocker to the Boston Federal Building before searching it.\textsuperscript{82} The Court reasoned that suspects could not possibly have driven the footlocker away before federal agents could get a warrant.\textsuperscript{83} The Court further noted that "luggage contents are not open to public view."\textsuperscript{84} Thus, "unlike an automobile, whose primary function is transportation, luggage is intended as a repository of personal effects."\textsuperscript{85} Accordingly, the Court decided that a person expects more privacy in personal luggage than he or she does in an automobile.\textsuperscript{86}

The majority also rejected the reasoning used in \textit{Chimel v. California},\textsuperscript{87} which authorized a search of the area "within the immediate control" of the arrestee,\textsuperscript{88} because the contents of the footlocker were not within arm's reach of anyone. Once the officer arrested the three defendants, none of the defendants could reach for a weapon or destroy evidence inside the double-locked footlocker.\textsuperscript{89} Likewise, the Court concluded that the search could not be justified as a search incident to arrest because the search was not contemporaneous with the arrest.\textsuperscript{90}

\textsuperscript{80} \textit{Id.} at 11 (citing \textit{Wolf v. Colorado}, 338 U.S. 25, 27 (1949)).

\textsuperscript{81} \textit{See id.} at 13 (discussing \textit{Carroll v. United States}, 267 U.S. 132 (1925)).

\textsuperscript{82} \textit{See id.}

\textsuperscript{83} \textit{See id.}

\textsuperscript{84} \textit{Id.}

\textsuperscript{85} \textit{Id.}

\textsuperscript{86} \textit{Id.}


\textsuperscript{88} \textit{See id.} Chimel was arrested at home on the basis of an arrest warrant, not a search warrant. \textit{See id.} at 753-54. Although Chimel denied officers' request to look around, they conducted a search of the entire house on the basis of the lawful arrest. \textit{See id.} The Court held that the officers needed a search warrant to search the house, limiting a search incident to arrest to an arrestee's person and the area from which he might reach a weapon or destructible evidence. \textit{See id.} at 768.

\textsuperscript{89} \textit{See Chadwick}, 433 U.S. at 15.

\textsuperscript{90} \textit{See id.} (citing \textit{Preston v. United States}, 376 U.S. 364, 367 (1964)). The majority opinion noted that once authorities have exclusive control of the seized property, and there is no danger that the arrestee might gain access to or destroy the evidence, a search of the property can no longer be considered incident to the arrest. \textit{See id.} In this case, because an hour and a half passed between the arrest and the search, characterizing the search of the footlocker as incident to the arrest would be a stretch of the imagination. \textit{See id.}
Justice Blackmun, with whom Justice Rehnquist joined in dissent, argued that both *United States v. Robinson*\(^9\) and *Gustafson v. Florida*\(^9\) supported this search as a search incident to arrest.\(^9\) *Gustafson* and *Robinson*, Justice Blackmun noted, stood for the proposition that the Fourth Amendment required no warrant for the arresting officer to search the outer clothing and effects of one placed under arrest.\(^9\) Justice Blackmun argued that, pursuant to the doctrine of search incident to arrest, "a search of personal effects need not be contemporaneous with the arrest, and indeed may be delayed a number of hours while the suspect remains in lawful custody."\(^9\)

In addition to validating the search as incident to arrest, the dissent also suggested that the line of authority permitting warrantless searches of both an impounded car and the locked contents of that car supported the reasonableness of this search.\(^9\) Moreover, Justice Blackmun observed, "once a car has been properly impounded for any reason, the police may follow a standard procedure for inventorizing its contents without any showing of probable cause."\(^9\) Ultimately, Justice Blackmun extended this rationale by concluding that warrants were generally "not required to seize and search any movable property in the possession of a person properly arrested in a public place."\(^9\)

Although Justice Blackmun conceded that the officer could have secured a warrant after impounding the footlocker,\(^9\) he contended that the officer’s failure to do so did not necessarily make the search unreasonable.\(^9\) In addition, Justice Blackmun reasoned that if the officer did

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91. *United States v. Robinson*, 414 U.S. 218 (1973). After arresting a motorist for driving on a revoked license, the police searched Robinson without a warrant and found heroin in a cigarette package located in his coat pocket. *See id.* at 223. The Court held that a "custodial arrest of a suspect based on probable cause is a reasonable intrusion under the Fourth Amendment and a search incident to the arrest requires no additional justification." *Id.* at 235.

92. *Gustafson v. Florida*, 414 U.S. 260 (1973). In *Gustafson*, the companion case to *Robinson*, the police arrested a motorist for driving without a valid license. *See id.* at 262. The Court held that after arresting Gustafson and taking him into custody for driving without a license, the officer was entitled to make a full search of his person pursuant to that arrest. *See id.* at 266.


94. *See id.* at 18 (Blackmun, J., dissenting).


97. *Id.* at 19 (Blackmun, J., dissenting) (citing *South Dakota v. Opperman*, 428 U.S. 364 (1976)).

98. *Id.* (Blackmun, J., dissenting).

99. *See id.* (Blackmun, J., dissenting).

100. *See id.* at 19-20 (Blackmun, J., dissenting) (citing *Edwards*, 415 U.S. at 805; *Cardwell v.*
try to secure a warrant, a judge would routinely grant it in the majority of cases where the police seized property while arresting a person in a public place. Therefore, Justice Blackmun doubted that requiring the police to go through the formality of obtaining a warrant in similar cases would have a substantial deterrent effect in protecting Fourth Amendment rights.

In this light, Justice Blackmun suggested adopting a bright-line rule allowing warrantless searches of property seized in conjunction with a valid arrest in a public place. Such an approach, Justice Blackmun determined, "would simplify the constitutional law of criminal procedure without seriously derogating from the values protected by the Fourth Amendment's prohibition of unreasonable searches and seizures."

Justice Blackmun favored a bright-line rule that clarified the labyrinth-like points of search and seizure for police officers. Indeed, Justice Blackmun quoted from Professor LaFave:

My basic premise is that Fourth Amendment doctrine, given force and effect by the exclusionary rule, is primarily intended to regulate the police in their day-to-day activities and thus ought to be expressed in terms that are readily applicable by the police in the context of the law enforcement activities in which they are necessarily engaged. A highly sophisticated set of rules, qualified by all sorts of ifs, ands, and buts and requiring the drawing of subtle nuances and hairline distinctions, may be the sort of heady stuff upon which the facile minds of lawyers and judges eagerly feed, but they may be 'literally impossible of application by the officer in the field.'

Justice Blackmun noted that appellate courts have construed the automobile search exception to the warrant requirement to include briefcases, suitcases, and footlockers inside automobiles. Blackmun concluded his dissent by lamenting that "decisions of the kind made by the Court today make criminal law a trap for the unwary policeman and

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101. See id. at 20 (Blackmun, J., dissenting).
102. See id. (Blackmun, J., dissenting); see also United States v. Calandra, 414 U.S. 338, 354-55 (1974) (discussing the idea that the exclusionary rule of the Fourth Amendment serves a deterrent purpose).
103. See Chadwick, 433 U.S. at 21 (Blackmun, J., dissenting).
104. Id. at 22 (Blackmun, J., dissenting).
106. See id. at 23 n.4 (Blackmun, J., dissenting) (citing United States v. Tramunti, 513 F.2d 1087, 1104-05 (2d Cir. 1975)).
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detract from the important activities of detecting criminal activity and protecting the public safety.\textsuperscript{107}

Notably, \textit{Chadwick} was not a traditional "automobile exception" case because the police did not stop the car in traffic. Instead, the police seized the footlocker as the defendants loaded it into the trunk of Chadwick's parked car before the engine was even started.\textsuperscript{108} \textit{Chadwick}'s significance in the development of search and seizure law with respect to traffic stops arose only two terms later when the Court decided \textit{Arkansas v. Sanders}, which involved a traditional automobile exception.\textsuperscript{109} The Court decided \textit{Sanders} by following principles laid down in \textit{Chadwick}.\textsuperscript{110}

\textbf{B. Arkansas v. Sanders}

In \textit{Arkansas v. Sanders}, the Court granted certiorari to clarify the meaning of \textit{Chadwick} as applied to warrantless searches of luggage seized from cars.\textsuperscript{111} In \textit{Sanders}, an informant notified the Little Rock Police Department that Lonnie Sanders would be arriving on an incoming American Airlines flight, carrying a green suitcase containing marijuana.\textsuperscript{112} Little Rock Police had previously arrested Sanders based on information from the same informant.\textsuperscript{113} However, instead of Sanders, a Mr. Rambo, traveling with Sanders, carried the green suitcase.\textsuperscript{114} After Rambo placed the suitcase in the trunk of a taxi, which Sanders and Rambo took from the airport, the police stopped the taxi and opened both the trunk and the green suitcase, in which they found marijuana.\textsuperscript{115} The Arkansas Supreme Court reversed the trial court's denial of the motion to suppress, relying upon \textit{Chadwick} and \textit{Coolidge v. New Hampshire}.\textsuperscript{116} While the Arkansas Supreme Court held that the police officers had probable cause to believe the suitcase contained contraband, it noted that no exigent circumstances justified the officers' failure to secure a warrant for the search of the luggage.\textsuperscript{117}

\begin{itemize}
\item \textsuperscript{107} \textit{Id.} at 24 (Blackmun, J., dissenting).
\item \textsuperscript{108} \textit{See id.} at 4.
\item \textsuperscript{110} \textit{See id.} at 762-63.
\item \textsuperscript{111} \textit{See id.}
\item \textsuperscript{112} \textit{See id.} at 755.
\item \textsuperscript{113} \textit{See id.}
\item \textsuperscript{114} \textit{See id.}
\item \textsuperscript{115} \textit{See id.}
\item \textsuperscript{116} \textit{Coolidge v. New Hampshire}, 403 U.S. 443 (1971) (holding that a warrantless search and seizure of a car is unconstitutional absent the ruling of a "neutral and detached magistrate").
\item \textsuperscript{117} \textit{See Sanders}, 442 U.S. at 756.
\end{itemize}
the court concluded that because police had control of both the automobile and the occupants, it was not impractical for them to obtain a search warrant for the luggage.\textsuperscript{118} Therefore, the Arkansas Supreme Court required not only that probable cause support a warrantless search but also that the probable cause be "coupled with exigent circumstances."\textsuperscript{119}

On appeal to the Supreme Court, Justice Powell framed the issue as "whether, in the absence of exigent circumstances, police are required to obtain a warrant before searching luggage taken from an automobile properly stopped and searched for contraband."\textsuperscript{120} While stating that "the general principles applicable to claims of Fourth Amendment violations are well settled," Justice Powell acknowledged that litigation over suppression of evidence "continues to occupy much of the attention of courts at all levels of the state and federal judiciary."\textsuperscript{121} Justice Powell conceded that courts and law enforcement officials often find it difficult to discern the proper application of these principles to individual cases.\textsuperscript{122} Indeed, the circumstances giving rise to suppression requests can vary almost infinitely and, therefore, even a small difference in the factual context may control a determination of Fourth Amendment rights.\textsuperscript{123} In retrospect, the Court's discussion of the difficulties in resolving Fourth Amendment litigation foreshadowed the subsequent movement toward bright-line rules, as found in \textit{New York v. Belton}\textsuperscript{124} and other Supreme Court decisions that set bright-line rules regarding search and seizure.\textsuperscript{125}

First citing to \textit{Chadwick}, Justice Powell commented "that a locked footlocker could not lawfully be searched without a warrant, even though it had been loaded into the trunk of an automobile parked at a curb."\textsuperscript{126} On the other hand, Justice Powell acknowledged that, in ear-

\begin{itemize}
  \item \textsuperscript{118} See id.
  \item \textsuperscript{119} See id. (citing Sanders v. State, 559 S.W.2d 704, 706 (Ark. 1977)).
  \item \textsuperscript{120} Id. at 754.
  \item \textsuperscript{121} Id. at 757.
  \item \textsuperscript{122} See id.
  \item \textsuperscript{123} See id.
  \item \textsuperscript{124} New York v. Belton, 453 U.S. 454, 462-63 (1981) (holding that a search incident to a valid arrest of persons who are or who recently have been in an automobile extends to the entire passenger compartment and all containers, open or closed, found therein).
  \item \textsuperscript{125} See, e.g., Maryland v. Wilson, 519 U.S. 408, 415 (1997) (holding that an officer who has made a valid traffic stop may order not only the driver but also passengers to exit the car); Ohio v. Robinette, 519 U.S. 33, 39-40 (1996) (holding that the Fourth Amendment does not require that a lawfully seized defendant be advised that he is "free to go" before the defendant's consent to search will be recognized as voluntary); Berkemer v. McCarty, 468 U.S. 420, 441-42 (1984) (holding that \textit{Miranda} applied to misdemeanor traffic offenses but not to routine traffic stops unless or until the person is placed under arrest).
  \item \textsuperscript{126} Sanders, 442 U.S. at 757 (citing United States v. Chadwick, 433 U.S. 1 (1977)).
\end{itemize}
lier cases, "the Court sustained the constitutionality of warrantless searches of automobiles and their contents under what has become known as the 'automobile exception' to the warrant requirement."127 Accordingly, Justice Powell realized that this case called for the Court's determination of the automobile exception's scope.128

Justice Powell posited that the Fourth Amendment generally requires that searches of private property must be both reasonable and pursuant to a properly issued search warrant.129 Justice Powell stressed that the warrant requirement should be regarded as more than simply an inconvenience to be weighed against the claims of police efficiency.130 Nevertheless, Justice Powell conceded that the Court does not require a search warrant under some circumstances, such as when a police officer's safety is at risk or when evidence may be lost or destroyed;131 he further noted that the law does not require police to have a warrant to search a vehicle where they have probable cause to believe it contains contraband or evidence of a crime.132 Indeed, Carroll v. United States expressly allows warrantless searches of vehicles properly stopped with probable cause because it would not be practicable in such a case to secure a warrant.133 Justice Powell, however, observed two distinctions between automobiles and other private property: first, the inherent mobility of vehicles makes it impracticable to secure a warrant prior to search, and, second, there is a diminished expectation of privacy associ-
ated with property transported in a vehicle. Justice Powell thus concluded that the police were justified in stopping the vehicle, searching it on the spot, and seizing the suitcase suspected of containing contraband because the police had probable cause to believe that the defendant was driving away with contraband.

Having conceded that the police had the authority to seize the suitcase, Justice Powell then addressed the issue of whether the police could then search the suitcase without a warrant. Justice Powell noted that Chadwick generally requires a warrant before police could lawfully search the luggage. As in Chadwick, Justice Powell observed that because the police had the luggage in their possession, there was no danger that defendants might move it before the police could secure a warrant. Consequently, the Court declined to extend Carroll to allow warrantless searches of everything found in an automobile. Instead, Justice Powell noted that Chadwick requires that the police assess the exigency of mobility immediately before the search. He further noted that no such exigency existed at the time of this search because the police had already seized the luggage. Justice Powell found no justification for the extension of Carroll to the warrantless search of personal luggage merely because the luggage was in a vehicle lawfully stopped by the police. Accordingly, the Court held that even when the police lawfully stop a vehicle and have probable cause to believe luggage found therein contains contraband, they still must obtain a warrant to search the luggage.

In his dissent, Justice Blackmun stated that the majority opinion illustrated the "difficulties and confusion" spawned by Chadwick.

The Court today goes farther down the Chadwick road, undermines the automobile exception, and, while purporting to clarify the confusion occasioned by Chadwick, creates, in my view, only greater difficulties for law enforcement officers, for prosecutors, for those suspected of criminal activity, and, of course, for the courts themselves.

134. See id.
135. See id. (citing Chambers v. Maroney, 399 U.S. 42, 52 (1981)).
136. See id. at 762.
137. See id. (citing United States v. Chadwick, 433 U.S. 1, 13 (1977)).
138. See id.
139. See id.
140. See id. at 763.
141. See id.
142. See id. at 765.
143. See id. at 766.
144. See id. at 768 (Blackmun, J., dissenting) (citing United States v. Chadwick, 433 U.S. 1, 18-22, 24 (1977) (Blackmun, J., dissenting)).
Still hanging in limbo, and probably soon to be litigated, are the briefcase, the wallet, the package, the paper bag, and every other kind container.\textsuperscript{145} Justice Blackmun suggested that the Court should have decided \textit{Chadwick} by applying the rationale of \textit{Carroll}.\textsuperscript{146} He argued luggage, like a vehicle, is mobile; thus the expectation of privacy in a suitcase found in a car is not significantly greater than the expectation of privacy in a locked glove compartment or a trunk.\textsuperscript{147} Although Justice Blackmun agreed that impounding the luggage without searching it would have been less intrusive than searching it on the scene,\textsuperscript{148} he suggested that any search under these circumstances would not be a further significant intrusion because the police had already seized the property.\textsuperscript{149} The dissent also stated that a search warrant would be routinely forthcoming in a case such as this.\textsuperscript{150}

Justice Blackmun emphasized the dilemma facing a police officer who has properly stopped a vehicle and who now must divide personal property into three categories for search purposes. Under \textit{Chimel v. California}, the officer may search objects within reach of the arrestee.\textsuperscript{151} If the officer has probable cause to search the vehicle, then under \textit{Carroll} and \textit{Chambers} the entire interior area of the car may be searched without a warrant.\textsuperscript{152} Under \textit{Chadwick} and \textit{Sanders}, however, any luggage found in the car, outside the reach of the arrestee, cannot be searched without a warrant absent exigent circumstances.\textsuperscript{153} Justice Blackmun preferred a bright-line rule stating that a warrant should not be required to seize and search any personal property found in a vehicle that could be seized and searched without a warrant pursuant to \textit{Carroll} and \textit{Chambers}.\textsuperscript{154}

Justice Blackmun was not alone with respect to his concern over the

\textsuperscript{145} See id. (Blackmun, J., dissenting).
\textsuperscript{146} See id. (Blackmun, J., dissenting) (citing \textit{Carroll v. United States}, 267 U.S. 132 (1925)).
\textsuperscript{147} See id. (Blackmun, J., dissenting).
\textsuperscript{148} See id. at 769-70 (Blackmun, J., dissenting).
\textsuperscript{149} See id. at 770 (Blackmun, J., dissenting) (claiming that the majority has not distinguished between the “greater” intrusion of a search and the “lesser” intrusion of a seizure) (citing \textit{United States v. Robinson}, 414 U.S. 218, 235 (1973); \textit{Chambers v. Maroney}, 399 U.S. 42, 51-52 (1970)).
\textsuperscript{150} See id. (Blackmun, J., dissenting).
\textsuperscript{151} See id. at 771 (Blackmun, J., dissenting) (citing \textit{Chimel v. California}, 395 U.S. 752 (1969)).
\textsuperscript{152} See id. (Blackmun, J., dissenting) (citing \textit{Carroll v. United States}, 267 U.S. 132 (1925); \textit{Chambers}, 399 U.S. at 51-52).
\textsuperscript{153} See id. (Blackmun, J., dissenting) (citing \textit{United States v. Chadwick}, 433 U.S. 1 (1977); \textit{Arkansas v. Sanders}, 442 U.S. 753 (1979)).
\textsuperscript{154} See id. at 772 (Blackmun, J., dissenting).
confusing and impractical nature of search and seizure law. Even the majority opinion of Justice Powell in Sanders conceded that search and seizure law is a murky area that is difficult for police officers, lawyers, and judges to understand.\(^{155}\) The Sanders majority could have anticipated with foreboding, and the dissent with smug satisfaction, the ultimate resolution of these issues in Wyoming v. Houghton.\(^{156}\)

IV. RECENT CASES

A. Wyoming v. Houghton

Wyoming v. Houghton demonstrated the Court’s willingness to stretch the bright-line rule delineating the limits of warrantless searches during traffic stops. In Houghton, a Wyoming Highway Patrol officer stopped a car for speeding and a defective brake light.\(^{157}\) The driver, David Young, and two female passengers were in the front seat.\(^{158}\) While questioning the driver, the officer noticed a hypodermic syringe in the driver’s shirt pocket. After the driver admitted to using the syringe to inject drugs, the officer searched the passenger compartment for contraband.\(^{159}\) On the back seat he found a purse, which passenger Sandra Houghton admitted to owning.\(^{160}\) In searching the purse, the officer found a brown pouch that contained methamphetamine.\(^{161}\) Ms. Houghton denied ownership of the pouch.\(^{162}\) Despite her denial, the police arrested her and charged her with possession of narcotics.\(^{163}\)

The trial court, relying on California v. Acevedo,\(^{164}\) denied Houghton’s motion to suppress, holding that the officer had probable cause to search the car for contraband and, by extension, any containers contained therein.\(^{165}\) In reversing, the Wyoming Supreme Court held that the search of Houghton’s purse violated the Fourth and Fourteenth

\(^{155}\) See id. at 757.


\(^{157}\) See id. at 1299.

\(^{158}\) See id.

\(^{159}\) See id.

\(^{160}\) See id.

\(^{161}\) See id.

\(^{162}\) See id.

\(^{163}\) See id. at 1299-1300.


\(^{165}\) See Houghton v. State, 956 P.2d 363, 372 (Wyo. 1998) (stating that the trial court relied on Acevedo in deciding that the officer had probable cause), rev’d, Wyoming v. Houghton, 119 S. Ct. 1297 (1999). Acevedo held that when the police have probable cause to search a container that is in an automobile, they may search the container and open it without a warrant. See Acevedo, 500 U.S. at 580.
Amendments because the officer "knew or should have known that the purse did not belong to the driver, but to one of the passengers," for whom no probable cause existed. In reversing the Wyoming Supreme Court's decision, Justice Antonin Scalia's majority opinion framed the issue as "whether police officers violate the Fourth Amendment when they search a passenger's personal belongings inside an automobile that they have probable cause to believe contains contraband."

The majority opinion followed the rationale of United States v. Ross. In Ross, the Court affirmed that the "automobile exception" to the search warrant requirement "is unquestionably one that is 'specifically established and well delineated.'" The Ross Court declared that "if probable cause justifie[s] the search of a lawfully stopped vehicle, it [also] justifie[s] the search of every part of the vehicle and its contents that may conceal the object of the search." In Houghton, Justice Scalia noted that cases describing Ross "have characterized it as applying broadly to all containers within a car, without qualification as to..."

167. Houghton, 119 S. Ct. at 1299. The dissenters from the Wyoming Supreme Court were most likely pleased with Justice Scalia's framing of the issue because it incorporated language from prior decisions that had upheld similar searches. See id. In an earlier decision, the Court had determined whether, in the course of a legitimate warrantless search of an automobile, the police are entitled to open containers found within the vehicle. See United States v. Ross, 456 U.S. 798, 818 (1982). Essentially, instead of following the more restrictive opinions of United States v. Chadwick and Arkansas v. Sanders, Justice Scalia framed the issue in Houghton so as to apply a broader rule derived from Carroll v. United States, Chambers v. Maroney, and Ross. See Houghton, 119 S. Ct. at 1299 (explaining that an officer who has probable cause to believe a vehicle contains contraband may search it without a warrant and may examine the contents of any container found within the passenger compartment); see also Acevedo, 500 U.S. at 576-80 (holding that when the police have probable cause to search a container that is in an automobile, they may search and open the container without a warrant).
168. See Houghton, 119 S. Ct. at 1301 (citing Ross, 456 U.S. at 824).
169. Ross, 456 U.S. at 825 (quoting Mincey v. Arizona, 437 U.S. 385, 390 (1978) (citation omitted)). In Ross, the Court held that "the scope of the warrantless search authorized by [the automobile exception] is no broader and no narrower than a magistrate could legitimately authorize by warrant." Id.
170. Id. The Court granted certiorari in Ross to resolve any confusion behind the reasoning in United States v. Chadwick and Arkansas v. Sanders and the earlier cases first establishing the automobile exception, such as Carroll v. United States and Chambers v. Maroney. See Acevedo, 500 U.S. at 576-80 (discussing Ross). The Ross Court decided that the object of the search and places in which there is probable cause to believe the object may be found rather than the nature of the container in which the contraband is secreted should define the scope of the warrantless search of the automobile. See Ross, 456 U.S. at 824. The Ross Court reached this decision because, as a practical matter, it would be unreasonable to allow a police officer to search a vehicle for contraband upon probable cause but require him to secure a search warrant before opening containers in the vehicle that could contain narcotics. See id.
ownership." Following this reasoning, Justice Scalia chose to snip the threads of *United States v. Chadwick* and *Arkansas v. Sanders*, which had limited the automobile exception. Rather than relying on the rationales of *Chadwick* and *Sanders*, Justice Scalia looked to the original intent of the Framers as discussed in *Carroll v. United States*. In so doing, Justice Scalia extended both *Carroll* and *Ross* by holding that if police officers have probable cause to search a lawfully stopped vehicle, they may conduct a warrantless search of any containers found inside that may conceal the object of the search.

Although the Wyoming Supreme Court addressed both the privacy interest of passengers and that the insufficiency of mere propinquity to one suspected of criminal activity as a basis for probable cause, Justice Scalia distinguished the cases on which the Wyoming Supreme Court relied. One such case was *United States v. Di Re*, in which the Court condemned a body search. Justice Scalia noted that the passengers in *Di Re* and *Houghton* had different expectations of privacy because the search of a purse from a vehicle involved significantly less

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171. *Houghton*, 119 S. Ct. at 1301 (citing *Acevedo*, 500 U.S. at 572). In *Acevedo*, the Court upheld a police officer's warrantless search of a paper bag and leather pouch found in the trunk of the defendant's car because the officers had probable cause to believe that the trunk contained drugs. See *Acevedo*, 500 U.S. at 580.


173. See *Carroll v. United States*, 267 U.S. 132, 153 (1925) (holding that "contraband goods concealed and illegally transported in an automobile or other vehicle may be searched for without a warrant").

174. See *Houghton*, 119 S. Ct. at 1304. *Houghton* does not directly overrule *Sanders*. The Court had already effectively done that in *Ross*. See *Ross*, 456 U.S. at 824. The *Ross* Court distinguished *Chadwick* and *Sanders* as not being "automobile exception" cases, characterizing them instead as container cases. See id. at 814. Although the majorities in both *Ross* and *Houghton* avoid directly overruling either *Chadwick* or *Sanders*, the reasoning of *Chadwick* and *Sanders* easily could have been extended in either *Ross* or *Houghton*. Instead, the majorities followed and extended the reasoning from *Carroll* and *Chambers*, which established the automobile exception. See *Houghton*, 119 S. Ct. at 1297 (citing *Ross*, 456 U.S. at 798; *Chambers*, 399 U.S. at 48; *Carroll*, 267 U.S. at 132). *Houghton* does not distinguish between luggage and a purse, but rather extends the automobile exception established in *Carroll* and clarified in *Ross*. See *Houghton*, 119 S. Ct. at 1304. *Houghton*, then allows upon probable cause a warrantless search of a passenger's belongings that may be found in the car, whether they be luggage, purses, or wallets. See id.


176. See *Houghton*, 956 P.2d at 367 (relying on *Ybarra v. Illinois*, 444 U.S. 85 (1979)). The Court in *Ybarra* held that authorities did not have probable cause to search all bar patrons simply because they had a warrant to search the bar and its bartender. See *Ybarra*, 444 U.S. at 96.

177. See *Houghton*, 119 S. Ct. at 1302.


179. See id. at 587.
of an invasion of privacy than a body search. Justice Scalia also pointed out that the Court’s reluctance in *Ybarra v. Illinois* to allow body searches of all the patrons in a bar for which the police held a search warrant rested upon the significant intrusion into the patrons’ personal bodily privacy. Justice Scalia observed that both cases turned on the unique, significantly heightened protection afforded against searches of one’s person, which is not expected when police examine an item of personal property found in a car. He further stated that “[e]ffective law enforcement would be appreciably impaired without the ability to search a passenger’s personal belongings when there is reason to believe contraband or evidence of criminal wrongdoing is hidden in the car.” Finally, the Court noted that “the ‘ready mobility’ of an automobile creates a risk that the evidence or contraband will be permanently lost while a warrant is obtained.” Accordingly, the majority followed and extended the automobile exception from *Carroll*, holding that if probable cause justified the search of a lawfully stopped vehicle, it also justified the search of every part of the vehicle, including any contents that may conceal the object of the search.

In his dissent, Justice Stevens stated that “the State’s legitimate interest in effective law enforcement does not outweigh the privacy concerns at issue.” Justice Stevens further noted that the only other search and seizure case addressing the distinction between a driver’s rights and those of a passenger was *Di Re*, where the Court refused to treat those rights synonymously. Accordingly, Justice Stevens asserted his confidence “in a police officer’s ability to apply a rule requiring a warrant or individualized probable cause to search belongings that are—as in this case—obviously owned by and in the custody of a passenger.”

### B. Knowles v. Iowa

In contrast to *Houghton*, which revealed the Court’s willingness to

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180. See *Houghton*, 119 S. Ct. at 1302.
182. See *Houghton*, 119 S. Ct. at 1302 (citing *Ybarra*, 444 U.S. at 90-91).
183. See *id.* (citing Terry v. Ohio, 392 U.S. 1, 24-5 (1968)).
184. *Id.*
185. *Id.* (citing California v. Carney, 471 U.S. 386, 390 (1985)).
186. See *id.* at 1301 (citing *Carroll* v. United States, 267 U.S. 132 (1925)).
187. See *id.*
188. *Id.* at 1306 (Stevens, J., dissenting). Justices Ginsburg and Souter joined Justice Stevens’s dissent. See *id.* at 1305 (Stevens, J., dissenting).
189. See *id.* at 1305 (Stevens, J., dissenting) (citing United States v. Di Re, 332 U.S. 581, 583-87 (1948)).
190. *Id.* at 1306 (Stevens, J., dissenting).
extend the bright-line rule governing the automobile exception to the Warrant Clause. *Knowles v. Iowa* reinforced the notion that the Court recognizes limits beyond which they should not venture. In *Knowles*, a police officer stopped a motorist in Newton, Iowa after clocking him at forty-three miles per hour in a twenty-five mile per hour zone. The police officer issued Patrick Knowles a citation, even though he could have arrested him under Iowa law. After conducting a full search of the car, which revealed a bag of marijuana and a “pot pipe,” the officer arrested Knowles and charged him with the appropriate state narcotics charges. Knowles subsequently filed a pre-trial motion to suppress, arguing that the “search could not be sustained under the ‘search incident to arrest’ exception” to the Fourth Amendment’s warrant requirement because the officer had not placed him under arrest before the officer searched his car.

At the suppression hearing, the police officer conceded that he did not have probable cause or consent to search the car. Instead, the State contended that the officer acted pursuant to an Iowa statute, which provided, “Iowa peace officers having cause to believe that a person has violated any traffic or motor vehicle equipment law may arrest the person and immediately take the person before a magistrate.” The State also pointed out that Iowa law both authorizes the officer to issue a citation in lieu of arrest and specifically states that such a citation “does not affect the officer’s authority to conduct an otherwise lawful search.” Finally, the State argued that the Iowa Supreme Court has held that this particular provision authorizes officers to conduct a complete search of both the automobile and the driver in cases where the police issue a citation rather than make a custodial arrest. Characterizing the search as a search incident to citation, the trial court agreed

192. *See id.* (noting that Iowa law gives a police officer who has cause to believe that a person violated any traffic law the authority to arrest the person and take that person before a magistrate).
193. *See id.*
194. *Id.* (citing United States *v.* Robinson, 414 U.S. 218 (1973)). In *Robinson*, the defendant was placed under custodial arrest for driving with a revoked license. *See Robinson*, 414 U.S. at 220. A custodial search revealed that Robinson possessed a cigarette package containing heroin. *See id.* at 223. The Court upheld the search as a “search incident to an arrest.” *See id.* at 236.
196. *Id.* (citing IOWA CODE ANN. § 321.485(1)(a) (West 1997)).
197. *See id.* (citing IOWA CODE ANN. § 805.1(1) (West 1997)).
198. *Id.* at 487 (quoting IOWA CODE ANN. § 805.1(4) (West 1997)).
199. *See id.* (citing State *v.* Meyer, 543 N.W.2d 876, 879 (Iowa 1996); State *v.* Becker, 458 N.W.2d 604, 607 (Iowa 1990)).
with the State’s reasoning and denied Knowles’s motion to suppress.200 The Iowa Supreme Court affirmed Knowles’s conviction.201

Writing for a unanimous Court, Chief Justice Rehnquist first examined the Iowa Supreme Court’s decision to uphold the search under its “search incident to citation” exception to the Fourth Amendment’s warrant requirement.202 This exception stated that so long as the arresting officer had probable cause to make a custodial arrest, a warrantless search would be reasonable regardless of whether the officer, in fact, made a custodial arrest.203 The Chief Justice, however, asked whether the search violated the Fourth Amendment despite the fact that state law authorized it.204

Chief Justice Rehnquist determined that the two historical rationales for the “search incident to arrest” exception are: “(1) the need to disarm the suspect in order to take him into custody, and (2) the need to preserve evidence for later use at trial.”205 The Chief Justice emphasized that even though officer safety is important,206 “[t]he threat to officer safety from issuing a traffic citation . . . is a good deal less than in the case of a custodial arrest.”207 The Court reasoned that “[t]he danger to the police officer flows from the fact of the arrest . . . and its attendant proximity, stress, and uncertainty, and not from the grounds for the arrest.”208 Therefore, the Court concluded that when an officer issues a citation without an arrest, the underlying rationales that generally support a search incident to an arrest are absent.209

The Court noted that although concerns for officer safety and for the destruction or loss of evidence justified a search incident to an arrest, every case did not depend upon the existence of either concern.210 In the instant case, however, the Court refused to extend that bright-line rule to a situation where the concern for officer safety was not apparent, and the concern for destruction or loss of evidence was entirely ab-

200. See id.

201. See id. (stating that the Iowa Supreme Court relied on State v. Doran, 563 N.W.2d 620 (Iowa 1997)).

202. See id. (discussing the Iowa Supreme Court’s characterization of the search as incident to a citation rather than one incident to an arrest).

203. See id. (citing Doran, 563 N.W.2d at 622).

204. See id.

205. Id. (citing United States v. Robinson, 414 U.S. 218, 234 (1973)).


207. Id.

208. Id. at 488 (quoting Robinson, 414 U.S. at 234 n.5).

209. See id.

210. See id.
sent. Accordingly, the Court declined to extend the automobile exception to include warrantless searches incident to citations.

Thus, the Court declined to further extend bright-line rules, that have already greatly expanded officers’ authority to conduct warrantless searches. This refusal, in itself, is a bright-line rule indicating both the limits the Court will place upon police power to search during traffic stops and the point at which the rights of private citizens must be protected. In Knowles, the Court favored a private citizen’s expectation of privacy over the state’s interest in effective law enforcement without regard to how much contraband Iowa police officials could recover if they could, in fact, conduct a full-blown search of every car to which they issue a traffic citation. Had the Court decided otherwise, every motorist driving through the State of Iowa who received a traffic citation would be subject to a full and complete search of his or her car. Here, the Court drew a line in the sand and created a bright-line rule that police officers dare not cross.

C. Significance of Houghton and Knowles

Houghton and Knowles define the Court’s willingness to set forth a bright-line rule regarding the automobile exception, as well as to set a limit beyond which the Court will not extend the rule. Houghton and Knowles also clarify the status of Fourth Amendment law, thereby assisting officers and judges in determining the extent to which the police may conduct warrantless searches. Houghton is heir to the legacy of Carroll v. United States, Chambers v. Maroney, Maryland v. Wilson and other bright-line cases that permit warrantless searches of automobiles. Indeed, Houghton extended United States v. Ross, which set

211. See id.
212. See, e.g., Berkemer v. McCarty, 468 U.S. 420, 441-42 (1984) (setting a “bright-line rule” by allowing police to detain motorists for routine questioning during a traffic stop); Michigan v. Long, 463 U.S. 1032, 1049 (1983) (allowing police to conduct a “Terry patdown” of the passenger compartment of a vehicle upon reasonable suspicion that an occupant is dangerous and may gain immediate control of a weapon); New York v. Belton, 453 U.S. 454, 460 (1981) (authorizing police to conduct a full search of a passenger compartment, including any containers therein, pursuant to a custodial arrest).
213. See Knowles, 119 S. Ct. at 488 (holding that warrantless searches of vehicles incident to citations violate the Fourth Amendment).
214. Maryland v. Wilson, 519 U.S. 408 (1997). Wilson provided a bright-line rule that an officer who has made a valid traffic stop may order passengers as well as the driver to exit the auto. See id. at 415. In a spirited dissent, Justice Kennedy lamented that such a ruling may result in tens of millions of passengers being put at risk of arbitrary control by the police. See id. at 423 (Kennedy, J., dissenting).
215. See supra Part II (discussing the development of the automobile exception to the Warrant Clause).
forth the bright-line rule that once police have lawfully stopped a vehicle for which they have probable cause to search generally for contraband, they may search all containers large enough to contain the items for which they had probable cause to search.216

Justice Scalia’s majority opinion in Houghton struck a responsive chord in legal circles, prompting reactions both supporting and opposing the decision.217 For example, Robert T. Scully, Executive Director of the National Association of Police Organizations, which filed an amicus brief, praised the Court “for giving officers the tools they need to do their jobs. Officers must be free of unreasonable, confusing and unworkable restrictions on what may be searched.”218 Another editorial characterized the decision as “a sensible accommodation to law enforcement.”219 Accordingly, Houghton provided a bright-line rule that made law enforcement more effective and clarified Fourth Amendment standards for law enforcement officials.

On the other hand, critics suggest that the decision represents a trend where “[t]he traditional police power to strictly enforce the traffic laws is fast becoming a license to freely search for drugs on the roadways.”220 Indeed, noting that the Court recently recognized that when police officers act with the intent to find illegal drugs, they should have more freedom to stop cars, detain drivers and passengers, and search vehicles,221 one commentator stated, “At almost every step, the Court has cast aside the Fourth Amendment as a check on the police power.”222 Critics argue that these decisions send the message that “once you get in your car, you’re fair game.”223 Critics also warn that “[t]his is a continuation of a trend to give law enforcement more power

216. See supra Part IV.A (discussing Houghton’s extension of the bright-line rule).
217. See Major Walter M. Hudson, A Few New Developments in the Fourth Amendment, 1999 ARMY LAW. 25, 39 (1999). Indeed, Major Hudson observed that strong reactions, from both political directions, often follow opinions authored by Justice Scalia. See id.
221. See id. at 44 (citing Wyoming v. Houghton, 119 S. Ct. 1297 (1999); Maryland v. Wilson, 519 U.S. 408 (1997); Ohio v. Robinette, 519 U.S. 33 (1996); Whren v. United States, 517 U.S. 806 (1996)).
222. Id. (noting that, in recent decisions, the Court has given police officers greater authority to stop vehicles and search both the drivers and passengers). Similarly, Boston University law professor Tracey Maclin declared his disappointment concerning the Court’s refusal to enforce the Fourth Amendment on the highways. See id. at 44 (discussing Professor Tracey Maclin’s views).
223. Id. at 44 (quoting Professor Tracey Maclin) (internal quotation marks omitted).
and more discretion over vehicles, drivers and their passengers . . . . It means just about anybody can be stopped just about any time. And the stop can be used to justify the search.'"\textsuperscript{224}

Although \textit{Knowles} is less controversial than \textit{Houghton}, it represents the only recent setback for law enforcement agencies before the Court.\textsuperscript{225} Even after \textit{Knowles}, however, the Court's extension of the automobile exception enables police to find that "something more" in order to justify a "full-blown search of the automobile and driver."\textsuperscript{226} In \textit{Knowles}, the State sought to extend the rationale of bright-line cases that involved the automobile exception to the Warrant Clause to authorize warrantless searches incident to citation.\textsuperscript{227} Previous bright-line rules in Fourth Amendment jurisprudence have generally favored state interests at the expense of individual expectations of privacy. For example, in \textit{New York v. Belton}, the bright-line rule was that police have authority to conduct a full search of the passenger compartment, including any containers, pursuant to a custodial arrest.\textsuperscript{228} \textit{Gustafson v. Florida} set forth the bright-line rule that a custodial arrest establishes the right to search incident thereto.\textsuperscript{229} As one writer observed about \textit{Knowles}, "Here at least, is one bright-line law in Fourth Amendment jurisprudence: a search incident to arrest really means what it says—if something other than an arrest occurs, one should look beyond this justification to justify the search."\textsuperscript{230}

As to the future of police authority to search pursuant to traffic stops, \textit{Houghton} and \textit{Knowles} arguably establish a watershed. With \textit{Houghton}, the Court extended the authority of police to conduct searches of containers during traffic stops nearly as far as possibly imaginable. \textit{Houghton} followed \textit{Carroll} and its progeny in setting forth the authority of the police to conduct automobile searches based on probable cause. As Justice Breyer declared in his concurring opinion, though, the bright-line rule from \textit{Houghton} applies only to automobile searches, and then only to containers found within automobiles; it does not extend to the search of a passenger.\textsuperscript{231} In \textit{Knowles}, a unanimous Court bluntly stated that police officers cannot conduct "full-blown" automobile searches

\begin{itemize}
\item \textsuperscript{224} \textit{Id.} at 42 (quoting Professor David A. Harris, University of Toledo law professor).
\item \textsuperscript{225} \textit{See id.} at 44.
\item \textsuperscript{226} \textit{Id.}
\item \textsuperscript{228} \textit{See Belton}, 453 U.S. at 460.
\item \textsuperscript{229} \textit{See Gustafson}, 414 U.S. at 266.
\item \textsuperscript{230} \textit{Hudson}, \textit{supra} note 217, at 35.
\item \textsuperscript{231} \textit{See Wyoming v. Houghton}, 119 S. Ct 1297, 1304 (1999) (Breyer, J., concurring).
\end{itemize}
incident to a minor traffic citation for which the motorist has not been placed under arrest.\(^{232}\)

In refusing to extend the bright-line rule of the automobile exception to the search warrant requirement to allow for searches incident to citations, the Court favored a private citizen’s expectation of privacy over the interests of effective law enforcement. This is an encouraging development. Had the Court acceded to Iowa’s request to allow warrantless searches incident to citations, it would have ignored the Constitution in pursuit of potential criminals. This recalls the exchange between Thomas More and Roper in Robert Bolt’s play, \textit{A Man For All Seasons}:\(^{233}\)

Roper: So now you’d give the Devil benefit of law!
More: Yes. What would you do? Cut a great road through the law to get to the Devil?
Roper: I’d cut down every law in England to do that!
More: Oh? And when the last law was down, and the Devil turned round on you—where would you hide, Roper, the laws all being flat? This country’s planted thick with laws from coast to coast—man’s laws, not God’s—and if you cut them down—and you’re just the man to do it—d’you really think you could stand upright in the winds that would blow then? Yes, I’d give the Devil benefit of law, for my own safety’s sake.\(^{234}\)

\textbf{V. Conclusion}

The scope of search and seizure law expanded and contracted for most of the twentieth century, adding to and subtracting from the rights of individuals and the state. Early cases, such as \textit{Carroll} and \textit{Chambers}, favored state interests in setting “bright-line rules” for searches of automobiles. Subsequent cases, such as \textit{Chadwick} and \textit{Sanders}, favored individual expectations of privacy over the state’s interest in enforcing the laws. During the 1970s and 1980s, the rules became murky and difficult for police officers to follow and for prosecutors, defense attorneys and judges to comprehend. Other cases, such as \textit{Ross} and \textit{Houghton}, once again favored the state interests and expressed the law in clear-cut terms. Because of the clarity of the bright-line rules established in these cases, police officers, prosecutors, defense attorneys and judges can more clearly comprehend the evolving law of search and seizure. These cases also demonstrated more than a swinging of the pendulum from

\(^{232}\) See Knowles, 119 S. Ct. at 488.

\(^{233}\) See ROBERT BOLT, \textit{A MAN FOR ALL SEASONS} 66 (1962).

\(^{234}\) Id.
conservative to liberal Courts and back again. They represented an evolution of the Court's thinking on these issues over time, with its attendant desire to create bright-line rules for ready implementation in search and seizure jurisprudence. *Houghton* set forth the extent of police authority to conduct warrantless searches. *Knowles*, on the other hand, set forth a bright-line the police cannot cross. *Knowles's* limitation on further extensions of the bright-line rule bodes well for the future of Fourth Amendment jurisprudence.