ity.[235] The Justices have often found themselves in disagreement, however, when a search incident to an arrest extended to property found either on the person or in the area where the person was arrested—most commonly either his premises or his vehicle. Early cases went both ways on the basis of some fine distinctions,[236] and in *Harris v. United States* [237] the Court approved a post-arrest search of a four-room apartment, even though the evidence discovered related to a different crime than the one for which the defendant was arrested. But, a year later, in *Trupiano v. United States*,[238] a valid arrest in an illegal distillery resulted in the seizure of the distillery equipment. The Court reversed the conviction because the officers had had time to obtain a search warrant and had not done so. "A search or seizure without a warrant as an incident to a lawful arrest has always been considered to be a strictly limited right. It grows out of the inherent necessities of the situation at the time of the arrest. But there must be something more in the way of necessity than merely a lawful arrest." [239]

The Court, however, overruled *Trupiano* in *United States v. Rabinowitz*,[240] where officers had arrested the defendant in his one-room office pursuant to an arrest warrant and proceeded to search the room completely. The Court observed that the issue was not whether the officers had the time and opportunity to obtain a search warrant but whether the search incident to arrest was reasonable. Though *Rabinowitz* approved of searches of the area within the arrestee's "immediate control," [241] it provided no standard by which this area was to be determined, and extensive searches were subsequently permitted under the rule by the lower courts.[242]

The Court's application of the "immediate control" standard remained unsettled until the case of *Chimel v. California*.[243] Disallowing a search incident to arrest of an entire three-bedroom house—

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[235] Weeks v. United States, 232 U.S. 383, 392 (1914); Carroll v. United States, 267 U.S. 132, 158 (1925); Agnello v. United States, 269 U.S. 20, 30 (1925). The Court has even upheld a search incident to an illegal (albeit not unconstitutional) arrest. Virginia v. Moore, 128 S. Ct. 1598 (2008) (holding that, where an arrest for a minor offense is prohibited by state law, the arrest will not violate the Fourth Amendment if it was based on probable cause).

[236] *Compare* Marron v. United States, 275 U.S. 192 (1927), *with* Go-Bart Importing Co. v. United States, 282 U.S. 344 (1931), *and* United States v. Lefkowitz, 285 U.S. 452 (1932).

[237] 331 U.S. 145 (1947).

[238] 334 U.S. 699 (1948).

[239] 334 U.S. at 708.

[240] 339 U.S. 56 (1950).

[241] 339 U.S. at 64.

[242] *Cf.* Chimel v. California, 395 U.S. 752, 764–65 & n.10 (1969).

[243] 395 U.S. 752 (1969). In Kremen v. United States, 353 U.S. 346 (1957), the Court had held that the seizure and removal of the entire contents of a house to F.B.I. offices 200 miles away for examination, pursuant to an arrest under warrant