which included opening and rummaging through drawers—the Court again asserted a narrower view, emphasized the primacy of warrants, and established a standard by which the scope of searches pursuant to arrest could be ascertained.

> When an arrest is made, it is reasonable for the arresting officer to search the person arrested in order to remove any weapons that the latter might seek to use in order to resist arrest or effect his escape. Otherwise, the officer's safety might well be endangered, and the arrest itself frustrated. In addition, it is entirely reasonable for the arresting officer to search for and seize any evidence on the arrestee's person in order to prevent its concealment or destruction. And the area into which an arrestee might reach in order to grab a weapon or evidentiary items must, of course, be governed by a like rule. A gun on a table or in a drawer in front of someone who is arrested can be as dangerous to the arresting officer as one concealed in the clothing of the person arrested. There is ample justification, therefore, for a search of the arrestee's person and the area 'within his immediate control'—construing that phrase to mean the area from within which he might gain possession of a weapon or destructible evidence. . . . There is no comparable justification, however, for routinely searching any room other than that in which an arrest occurs—or, for that matter, for searching through all the desk drawers or other closed or concealed areas in that room itself. Such searches, in the absence of well-recognized exceptions, may be made only under the authority of a search warrant.[244]

Although the viability of *Chimel* was in doubt for some time as the Court refined and applied its analysis of reasonable and justifiable expectations of privacy,[245] it has in some but not all contexts survived the changed rationale. For instance, in *Mincey v. Arizona*,[246] the Court rejected a state effort to create a "homicide-scene" exception for a warrantless search of an entire apartment extending for four days after the occupant had been arrested and removed. It was true, the Court observed, that a person legally taken into custody has a lessened right of privacy in his person, but he does not have a lessened right of privacy in his entire house. And, in *United States v. Chadwick*,[247] emphasizing a person's reasonable

---

of one of the persons found in the house, was unreasonable. In decisions contemporaneous to and subsequent to *Chimel*, applying pre-*Chimel* standards because that case was not retroactive, Williams v. United States, 401 U.S. 646 (1971), the Court applied *Rabinowitz* somewhat restrictively. *See* Von Cleef v. New Jersey, 395 U.S. 814 (1969), which followed *Kremen*; Shipley v. California, 395 U.S. 818 (1969), and Vale v. Louisiana, 399 U.S. 30 (1970) (both involving arrests outside the house with subsequent searches of the house); Coolidge v. New Hampshire, 403 U.S. 443, 455–57 (1971). But, substantially extensive searches were then approved in Williams v. United States, 401 U.S. 646 (1971), and Hill v. California, 401 U.S. 797 (1971).

[244] 395 U.S. at 763.

[245] *See*, *e.g.*, Coolidge v. New Hampshire, 403 U.S. 443, 492, 493, 510 (1971), in which the four dissenters advocated the reasonableness argument rejected in *Chimel*.

[246] 437 U.S. 385, 390–91 (1978). *Accord*, Flippo v. West Virginia, 528 U.S. 11 (1999) (per curiam).

[247] 433 U.S. 1 (1977). Defendant and his luggage, a footlocker, had been removed to the police station, where the search took place.