

the Court departed from the concept of standing to telescope the inquiry into one inquiry rather than two. Finding that standing served no useful analytical purpose, the Court has held that the issue of exclusion is to be determined solely upon a resolution of the substantive question whether the claimant's Fourth Amendment rights have been violated. "We can think of no decided cases of this Court that would have come out differently had we concluded . . . that the type of standing requirement . . . reaffirmed today is more properly subsumed under substantive Fourth Amendment doctrine. Rigorous application of the principle that the rights secured by this Amendment are personal, in place of a notion of 'standing,' will produce no additional situations in which evidence must be excluded. The inquiry under either approach is the same."⁴⁸⁷ One must therefore show that "the disputed search and seizure has infringed an interest of the defendant which the Fourth Amendment was designed to protect."⁴⁸⁸

The *Katz* reasonable expectation of privacy rationale has now displaced property-ownership concepts that previously might have supported either standing to suppress or the establishment of an interest that has been invaded. Thus, it is no longer sufficient to allege possession or ownership of seized goods to establish the interest, if a justifiable expectation of privacy of the defendant was not violated in the seizure.⁴⁸⁹ Also, it is no longer sufficient that one merely be lawfully on the premises in order to be able to object to an illegal search; rather, one must show some legitimate inter-

⁴⁸⁷ *Rakas v. Illinois*, 439 U.S. 128, 139 (1978).

⁴⁸⁸ 439 U.S. at 140.

⁴⁸⁹ Previously, when ownership or possession was the issue, such as a charge of possessing contraband, the Court accorded "automatic standing" to one on the basis, first, that to require him to assert ownership or possession at the suppression hearing would be to cause him to incriminate himself with testimony that could later be used against him, and, second, that the government could not simultaneously assert that defendant was in possession of the items and deny that it had invaded his interests. *Jones v. United States*, 362 U.S. 257, 261–65 (1960). *See also* *United States v. Jeffers*, 342 U.S. 48 (1951). In *Simmons v. United States*, 390 U.S. 377 (1968), however, the Court held inadmissible at the subsequent trial admissions made in suppression hearings. When it then held that possession alone was insufficient to give a defendant the interest to move to suppress, because he must show that the search itself invaded his interest, the second consideration was mooted as well, and thus the "automatic standing" rule was overturned. *United States v. Salvucci*, 448 U.S. 83 (1980) (stolen checks found in illegal search of apartment of the mother of the defendant, in which he had no interest; defendant could not move to suppress on the basis of the illegal search); *Rawlings v. Kentucky*, 448 U.S. 98 (1980) (drugs belonging to defendant discovered in illegal search of friend's purse, in which he had no privacy interest; admission of ownership insufficient to enable him to move to suppress).