United States,[144] a unanimous Court limited the classes of property subject to seizures to these three and refused to permit a seizure of "mere evidence," in this instance papers of the defendant that were to be used as evidence against him at trial. The Court recognized that there was "no special sanctity in papers, as distinguished from other forms of property, to render them immune from search and seizure,"[145] but their character as evidence rendered them immune. This immunity "was based upon the dual, related premises that historically the right to search for and seize property depended upon the assertion by the Government of a valid claim of superior interest, and that it was not enough that the purpose of the search and seizure was to obtain evidence to use in apprehending and convicting criminals."[146] More evaded than followed, the "mere evidence" rule was overturned in 1967.[147] It is now settled that such evidentiary items as fingerprints,[148] blood,[149] urine samples,[150] fingernail and skin scrapings,[151] voice and handwriting exemplars,[152] conversations,[153] and other demonstrative evidence may be obtained through the warrant process or without a warrant where "special needs" of government are shown.[154]

However, some medically assisted bodily intrusions have been held impermissible, *e.g.*, forcible administration of an emetic to in-

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[144] 255 U.S. 298 (1921). United States v. Lefkowitz, 285 U.S. 452 (1932), applied the rule in a warrantless search of premises. The rule apparently never applied in case of a search of the person. *Cf.* Schmerber v. California, 384 U.S. 757 (1966).

[145] Gouled v. United States, 255 U.S. 298, 306 (1921).

[146] Warden v. Hayden, 387 U.S. 294, 303 (1967). *See* Gouled v. United States, 255 U.S. 298, 309 (1921). The holding was derived from dicta in Boyd v. United States, 116 U.S. 616, 624–29 (1886).

[147] Warden v. Hayden, 387 U.S. 294 (1967).

[148] Davis v. Mississippi, 394 U.S. 721 (1969).

[149] Schmerber v. California, 384 U.S. 757 (1966); Skinner v. Railway Labor Executives' Ass'n, 489 U.S. 602 (1989) (warrantless blood testing for drug use by railroad employee involved in accident).

[150] Skinner v. Railway Labor Executives' Ass'n, 489 U.S. 602 (1989) (warrantless drug testing of railroad employee involved in accident).

[151] Cupp v. Murphy, 412 U.S. 291 (1973) (sustaining warrantless taking of scrapings from defendant's fingernails at the station house, on the basis that it was a very limited intrusion and necessary to preserve evanescent evidence).

[152] United States v. Dionisio, 410 U.S. 1 (1973); United States v. Mara, 410 U.S. 19 (1973) (both sustaining grand jury subpoenas to produce voice and handwriting exemplars, as no reasonable expectation of privacy exists with respect to those items).

[153] Berger v. New York, 388 U.S. 41, 44 n.2 (1967). *See also* id. at 97 n.4, 107–08 (Justices Harlan and White concurring), 67 (Justice Douglas concurring).

[154] Another important result of Warden v. Hayden is that third parties not suspected of culpability in crime are subject to the issuance and execution of warrants for searches and seizures of evidence. Zurcher v. Stanford Daily, 436 U.S. 547, 553–60 (1978). Justice Stevens argued for a stiffer standard for issuance of warrants to nonsuspects, requiring in order to invade their privacy a showing that they would not comply with a less intrusive method, such as a subpoena. Id. at 577 (dissenting).