

Third-Party Consent Searches: Legal vs. Social Perceptions of "Common Authority"¹

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We investigate the degree of correspondence between legal concepts underpinning third-party consent searches (a co-resident permits police search of shared living space and belongings) and laypersons' sociocultural expectations. In accord with the legal concepts, we hypothesized that laypersons would be able to distinguish between authority over (1) exclusive-use vs. common-use areas, and (2) personal effects in exclusive-use vs. common-use areas. But, we also expected that (3) the interpretation of "common authority" would be influenced by the presence vs. absence of the co-resident, and (4) the type of intruder (social, commercial, civil authority, or criminal justice authority) would influence responses to requests for entry. These hypotheses were tested using a fully between-subjects, factorial design ($N = 160$). Results supported our first three hypotheses. Subjects understood the concept of a warrantless search and distinguished between "exclusive use" areas and "common authority" areas at the level of rooms within the shared residence. Subjects' interpretation of "common authority" for third-party consent purposes was influenced by physical presence of the co-resident. If the co-resident was absent, "common authority" was interpreted as independent consent power. There was no consensual interpretation of "common authority" when the co-resident was present and protested the proposed search. Results suggest situational dependence of lay understandings of "common authority" over jointly used areas.

This paper continues a series of research studies on a particular Fourth Amendment privacy issue—the reasonableness of warrantless police searches for and seizures of evidence, based on the consent exception to the Amendment's warrant requirement. An earlier study investigated the perceived voluntariness of consent to warrantless police searches (Kagehiro, 1988). Here we investigate the degree of correspondence between legal concepts involved in third-party consent searches, and laypersons' expectations of privacy from intrusion in a shared residence.

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Legal Background

The Fourth Amendment to the U.S. Constitution is intended to deter arbitrary governmental invasions of privacy through the requirement of a search warrant (*Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 1971; *Camara v. Municipal Court*, 1967). In reality, however, most police searches are conducted without a warrant (Van Duizend, Sutton, & Carter, 1985), but are deemed “reasonable” because they fall under legal exceptions to the warrant requirement (Amsterdam, 1974; *Chambers v. Maroney*, 1970; *Chimel v. California*, 1969; LaFave & Israel, 1985; *Terry v. Ohio*, 1968; *United States v. Matlock*, 1974; *United States v. Nelson*, 1972; *United States v. Phifer*, 1975; *Warden v. Hayden*, 1976). One exception to the Fourth Amendment’s warrant requirement is a search conducted with the consent of the suspect (*Schneckloth v. Bustamonte*, 1973) or with the consent of a third party, such as the suspect’s spouse or common-law partner (*United States v. Matlock*, 1974).

The Supreme Court first authorized third-party consent searches in *United States v. Matlock* (1974). The Court’s test for voluntary consent by a third party was based on two key notions:

(1) “Common authority” vs. “exclusive use.” An individual having “possession and control” of premises or an object can consent to a search, and evidence uncovered by that search can be used against everyone with “common authority” over the place of search (Comment, 1966). Conversely, an individual lacking such “possession and control,” in which the property is in the “exclusive use” of another individual, cannot grant valid consent (Comment, 1966; Comment, 1984, Note 83).

(2) “Assumption of risk” refers to the legal presumption that individuals entering a “common authority” arrangement (e.g., shared apartment) accept the risk that any one of the co-tenants might consent unilaterally, based on his/her independent right of consent, to a search of the commonly held property. Jurisdictions supporting the “assumption of risk” doctrine reason that an individual who does not possess exclusive authority and control over premises or objects has no “reasonable expectation of privacy” (*People v. Cosme*, 1979; *United States v. Hendrix*, 1979; *United States v. Sumlin*, 1977).

Purpose of the Study

In *Katz v. United States* (1967), the Supreme Court articulated a “reasonable expectation of privacy” test to determine when a particular privacy interest merited Fourth Amendment protection. Their criterion was based in part on privacy expectations that society is prepared to recognize as reasonable; or more accurately, on judges’ assumptions about privacy expectations

that society is prepared to recognize (Kagehiro, Harland, & Taylor, in press; Wefing & Miles, 1974, Note 23). It is therefore important that lay and legal assumptions correspond, particularly because the legal standard for the voluntariness of consent is absence of governmental coercion, *not* informed consent (*Schneckloth v. Bustamonte*, 1973; *United States v. Katz*, 1965; *United States v. Watson*, 1976). Thus, if lay and legal perceptions of privacy from intrusion do differ, undesired invasions of privacy might occur repeatedly in instances of consent searches.

Hypotheses

(1) Do subjects understand the concept of a “warrantless” search (i.e., without a warrant, individuals claiming civil or criminal justice authority have no more right of entry or search than do ordinary individuals)? We predicted that subjects would perceive co-residents’ right to refuse as weaker in the case of civil or criminal justice intruders than in the cases of social or commercial intruders. This would demonstrate a misunderstanding of the status of governmental agents. We expect this to occur because few laypersons understand the constraints under which law enforcement officers operate. Most visible to laypersons are the special powers of police to arrest, investigate, and use force (e.g., Newman, 1986). People may overgeneralize from this perception to assume that police, although lacking a warrant, have special entry rights.

(2) Do subjects distinguish between areas of “exclusive use” and “common authority” within a shared residence? We predicted that subjects would be able to distinguish between such areas, at least at the macro-level (i.e., rooms within the shared residence). A co-resident would be perceived as having the least right to do as he/she pleased in the other co-resident’s bedroom (i.e., another person’s “exclusive use” area), as having an intermediate right in the living/dining area, kitchen, and bathroom (i.e., “common authority” areas), and as having the most right in the co-resident’s own bedroom (i.e., his/her own “exclusive use” area). The rationale for this hypothesis derives from recent research on territorial functioning within dwelling units (Taylor, 1988). Within the residence, middle-class—and to a lesser extent, lower-class—households recognize that some areas “belong” more to some household members than others. Barring special circumstances, this differentiation within interior space is recognized and should influence residents’ responses to search requests.

(3) How do subjects interpret “common authority” for third-party consent purposes? In some jurisdictions, the courts have interpreted “common authority” as independent consent power by either co-tenant (*Chandler v. Maryland*, 1972; *United States v. Hendrix*, 1979; *United States v. Lawless*, 1972; *United*

States v. Stone, 1972). In other words, an individual's right to prevent a warrantless search may be superseded by the consent of a third party, even if the individual is present and objects at the time to the search (*People v. Cosme*, 1979; *People v. Haskett*, 1982; *United States v. Canada*, 1975; *United States v. Sumlin*, 1977). A third-party consent may be equally upheld even if only one co-occupant consents and multiple other co-occupants object (*United States v. Matlock*, 1974, Note 7).

But, in other jurisdictions, courts have interpreted "common authority" for third-party consent purposes as *joint* consent power requiring the permission of *both* co-tenants. For example, some jurisdictions have held that consent by a hostile or angry spouse cannot validate a warrantless search directed against the other spouse (Tinsley, 1979).

Given these discrepant views, it is important to examine lay views. If subjects indicate that the consenting co-resident had a right to consent to the search, regardless of whether the other co-resident was present and protesting, or absent, this would be evidence of "common authority" interpreted as independent consent power. By contrast, subjects indicating that the consenting co-resident did *not* have the right to permit entry if the other co-resident was present and protesting, or absent, suggests "common authority" as required joint consent by both co-residents. We predicted that "common authority" would be interpreted as joint consent. Work on interpersonal relations in a shared household (Altman & Chemers, 1980; Altman & Taylor, 1973; Bell, 1981; Goffman, 1959; Werner, Altman, & Oxley, 1985) indicates that, as the intimacy of a social relationship increases, the interpersonal and territorial arrangements become more fluid and dynamic. We expect a high degree of shared living space and resources to translate into joint consultation for consent to outside intrusions.

(4) Do subjects' interpretations of "reasonable expectations of privacy" regarding personal effects correspond with court interpretations? Fourth Amendment protection covers personal effects as well as places, since it is based on an individual's right to be free from unreasonable searches and seizures. Nonetheless, courts appear to have greater difficulty in determining whether an individual has a reasonable expectation of privacy regarding small "enclosed spaces" of search (i.e., briefcases, luggage, boxes, etc.). Legal opinion appears divided as to whether a co-tenant may give valid consent to a warrantless search of another's personal effects located in an area of "common authority" (*Frazier v. Cupp*, 1969; *United States v. Robinson*, 1973) or not (*People v. Reynolds*, 1976; *State v. Evans*, 1962; *United States v. Bussey*, 1974; *United States v. Poole*, 1969). We predicted that subjects' perceptions of valid consent would be determined by the "exclusivity" of the personal effect or container to be searched rather than by the area of the shared residence in which the personal effect or container was located. Our rationale is again

based upon within-household territorial research (Taylor, 1988) indicating extensive use of micro-level territorial strategies. People will, for example, exclusively use a drawer in a bureau, or a shelf, and co-residents will recognize and respect this pattern. We expect this recognition to extend to personal-effects containers, even if located in common-use areas.

To sum up: We are investigating laypersons' expectations regarding third-party consent searches, a topic of extensive legal discussion and dispute. We will provide the first empirical research pertinent to the assumptions that have underpinned legal reasoning on this topic. In addition, we will also investigate one area in which legal scholars have been sharply split: joint consent vs. independent consent power. We have developed four hypotheses, based on past psychological research, which guide our investigation.

Method

Subjects and Design

The subjects were 160 undergraduate students enrolled in various introductory-level courses (10 per experimental condition). A college student sample is the adult age group most likely to have had direct and recent experience in a shared residence situation (and indeed 59% of our subjects did report having shared a residence with a "nonfamilial" adult). The study was a $2 \times 4 \times 2$ factorial, fully between-subjects design. Two levels of Social Situation (co-resident absent or co-resident present and protesting) were crossed with four levels of Type of Intruder (social, commercial, civil authority, or criminal justice authority) and two levels of Questionnaire Version (affirmatively phrased items or negatively phrased items).

Procedure

The subjects were randomly assigned to experimental conditions. They were asked to respond to a questionnaire concerning the operating assumptions and expectations when people share a residence (only those sections of the questionnaire relevant to this report are described below). Subjects were instructed:

You and another same-sex adult, B, are good friends and have lived together in the same apartment for about five months. Each of you pays an equal share of the rent. The shared apartment consists of a living/dining area, a kitchen, your bedroom, B's bedroom, and a bathroom.

In general, the dependent measures consisted of Likert items (response scales of -4 to +4, strongly disagree to strongly agree). In one section, subjects'

perceptions of “exclusive use” areas and “common authority” areas within a shared residence were measured (e.g., “B does *not* have the right in our culture to do as he/she pleases in the living/dining area in your absence”).

In the next section, the experimental conditions were presented. Subjects in the social situation of co-resident absence were presented with the following information before responding to the dependent measures: “You are out. B is at home reading. The doorbell rings, and B answers it. X, _____, is at the front door and asks to come in.” Subjects in the social situation of co-resident present/protests were presented with the following information before responding to the dependent measures: “You are both at home. The doorbell rings, and B answers it. X, _____, is at the front door and asks to come in.”

The dependent measures were concerned with subjects’ perceptions of B’s own rights to search in various areas of the shared residence, and with subjects’ perceptions of B’s rights to permit intruder entry into the residence, and subsequent searches in various areas of the shared residence. (E.g., “B has the right in our culture to permit X, _____, to enter the residence, in your absence, if B wishes to do so” or “B has the right in our culture to permit X, _____, to enter the residence, even though you strongly protest, if B wishes to do so”). Depending on the experimental condition, X, the intruder at the door, was identified as B’s friend (social intruder), as a heating repairperson (commercial intruder), as a municipal housing inspector (intruder having civil authority), or as a police officer (intruder having criminal justice authority). Half of the questionnaires in each experimental condition phrased the dependent measures affirmatively, and the other half of the questionnaires in each experimental condition phrased the dependent measures negatively (e.g., “B has/does *not* have the right . . .”).

Affirmative/negative phrasing of questions was done to determine if subjects perceived coerciveness in entry requests from civil or criminal law authority figures. In other words, would subjects perceive B as not having a right to refuse entry to governmental agents? (As our results will indicate, our concerns on this issue were groundless).

The entire questionnaire took approximately half an hour to complete. After completing their questionnaires, the subjects were fully debriefed and thanked for their participation.

Results

Hypothesis 1: Understanding of Warrantless Searches

A MANOVA using Social Situation and Type of Intruder as the independent variables was performed on the dependent measures concerning B’s right to refuse entry/search by the intruder in various areas of the shared residence.

These dependent measures appeared only in the negative phrased version of the experimental questionnaire.

The main effect of Type of Intruder was not significant ($F(15,204) = 1.52$, N.S.); this indicated that, contrary to expectations, subjects did understand this aspect of warrantless searches; that, without a warrant, intruders claiming criminal justice or civil authority have no more right of entry to a residence than social or commercial intruders. Subjects perceived that B had the right to refuse to let intruder X enter the residence ($M = 2.1$); to refuse to let X search the living/dining area ($M = 2.1$); to refuse to let X search a container in the living/dining area ($M = 2.8$); to refuse to let X search A's bedroom ($M = 2.6$); and to refuse to let X search a container in A's bedroom ($M = 3.2$).

A significant main effect of Social Situation ($F(5,66) = 2.39$, $p < .05$), with a significant univariate test of B's perceived right to refuse to let an intruder search A's bedroom ($F(1,70) = 4.19$, $p < .05$) was observed. Subjects perceived B's right of refusal to be greater when co-resident A was present and protested the proposed search ($M = 3.1$) than when A was absent ($M = 2.1$). Thus, right to refuse search of a private area was bolstered by the presence of the protesting co-resident whose area was in question.

Hypothesis 2: Perceptions of "Exclusive Use" and "Common Authority" Areas

Subjects' perceptions of "exclusive use" and "common authority" areas were investigated in a MANOVA using Social Situation and Type of Intruder as the independent variables and with dependent variables tapping B's rights to search A's container in the living/dining area, to search A's bedroom, and to search A's container in A's bedroom. There was a significant main effect of Social Situation ($F(3,148) = 22.48$, $p < .001$), with significant univariate tests for all three dependent variables (F s (1,150) ranged from 14.45 to 60.76, all p s $< .001$). Subjects felt more strongly that B had no right to search A's container in the living/dining area when A was present and protested ($M = -2.6$) than when A was absent ($M = -.2$). Subjects indicated that B had less right to search A's bedroom ($M = -1.6$ vs. -3.3) or A's container in A's bedroom ($M = -2.3$ vs. -3.4) when A was present and protested rather than absent. Thus, when contemplating co-residents' "search rights" vis-a-vis one another, subjects clearly differentiated between exclusive and common-use areas. With regard to specific items, subjects were less consistent, expressing a more contingent view, one dependent upon location of the item and presence of the protesting owner.

Hypothesis 3: Interpretations of "Common Authority" for Consent Purposes

Subjects' interpretations of "common authority" for purposes of consent to a warrantless search were investigated in two MANOVAs using Social Situa-

tion and Type of Intruder as the independent variables. In the first, the dependent variables concerned B's rights to permit intruder X's entry and to permit X's search of the living/dining area. According to the prevailing view in the law, B can consent unilaterally to entry and search in both situations (*Butler v. Commonwealth*, 1976; *Chandler v. Maryland*, 1972; *People v. Misque*, 1959; *Raine v. United States*, 1924; *State v. Sorenson*, 1979; *United States v. Hendrix*, 1979; *United States v. Lawless*, 1972; *United States v. Stone*, 1972). In the second MANOVA, the dependent variables concerned B's right to permit the intruder to search various areas of and items in the shared residence: B's rights to permit intruder X's search of A's container in the living/dining area, to permit X's search of A's bedroom, and to permit X's search of A's container in A's bedroom.

For the first MANOVA, there was a significant main effect of Social Situation ($F(2,144) = 23.56, p < .001$), with significant univariate tests for both dependent variables ($F(1,145) = 38.41$ and 27.84 , respectively; both $ps < .001$). Subjects felt that B had a greater right to permit intruder X's entry ($M = 2.4$) and X's search of the living/dining area ($M = 1.5$) in co-resident A's absence than when A was present and protested (X's entry, $M = .5$; X's search, $M = -.4$). Thus, subjects viewed B's right to consent when A was present and protested as more circumscribed than some legal rulings have suggested.

There was also a significant main effect of Type of Intruder ($F(6,290) = 3.11, p < .01$), with a significant univariate test for B's right to permit X's entry ($F(3,145) = 4.37, p < .01$). Subjects felt that B's right to permit entry was greater when the intruder was B's friend ($M = 2.2$) or claimed criminal justice authority as a police officer ($M = 1.6$) than when the intruder was commercial or claimed civil authority (both $M_s = .9$). Although these results suggest that police were perceived as having special rights of entry compared to other types of intruders, these special rights are not based on perceived coerciveness (see previous results for B's right to refuse entry) (see Table 1 for complete cell means).

For the second MANOVA, there was a significant main effect of Social Situation ($F(3,143) = 3.14, p < .05$). There were significant univariate tests for B's rights to permit X's search of A's container in the living/dining area and to permit X's search of A's bedroom ($F(1,145) = 6.87, p < .01$, and $F(1,145) = 5.68, p < .05$, respectively). Subjects felt that B did not have the right to permit searches by an intruder (both $M_s = -2.0$) in A's absence, and were even more adamant when A was present and protested (both $M_s = -2.9$). Whether A was present or absent, subjects felt that B could not give consent to a search of A's container in A's bedroom (overall $M = -3.0$).

Subjects' interpretations of "common authority" for consent purposes were influenced by physical presence of the co-resident. If the co-resident was absent, B's "common authority" over the shared areas of the residence was

Table 1

Interpretation of "Common Authority" for Third-Party Consent: Mean Scores for Dependent Measures by Social Situation and Type of Intruder

Social situation/type of intruder	Perceived right of B to permit entry/search by intruder		
	Entry	Living/dining area	
Co-resident absent			
Social	3.2	2.0	
Commercial	1.5	.5	
Civil authority	2.4	2.3	
Criminal justice authority	2.6	1.4	
Co-resident present/protests			
Social	1.3	0	
Commercial	.4	0	
Civil authority	-.6	-.5	
Criminal justice authority	.7	-1.2	
Social situation/type of intruder	Perceived right of B to permit entry/search by intruder		
	A's container in living/dining area	A's bedroom	A's container in A's bedroom
Co-resident absent			
Social	-1.7	-3.1	-3.4
Commercial	-2.8	-1.5	-3.0
Civil authority	-1.4	-2.2	-2.8
Criminal justice authority	-2.1	-1.4	-1.7
Co-resident present/protests			
Social	-3.2	-3.1	-3.9
Commercial	-3.4	-3.4	-3.4
Civil authority	-2.8	-2.3	-2.3
Criminal justice authority	-2.5	-2.7	-3.2

Note. Possible range of scores is -4 to +4 (disagree/agree that B has a right to permit entry/search by intruder).

interpreted as independent consent power with regard to warrantless searches. There was no agreed-upon interpretation of "common authority" when the co-resident was present.

Finally, consistent with our earlier reported findings concerning subjects' recognition of the distinction between "exclusive use" areas and "common authority" areas within a shared residence, subjects did not perceive co-resident B as having power to consent to warrantless searches of co-resident A's "exclusive use" areas: A's bedroom and A's container in A's bedroom.

Hypothesis 4: Interpretations of "Reasonable Expectation of Privacy" for Personal Effects

Our final hypothesis was also investigated as part of the second MANOVA analysis described in the previous section. Consistent with our predictions concerning the law's small "enclosed spaces" of search, subjects viewed the "exclusivity" of the specific area of search (i.e., the container) as the determining factor in third-party consent, not the residence area in which the container was located. Subjects did not feel that B had a right to permit an intruder to search A's container located in the living/ dining area. Thus, lay perceptions appear to correspond with those court cases which found that a co-tenant could not give valid consent to a warrantless search of another's personal effects located in an area of "common authority" (*People v. Reynolds*, 1976; *State v. Evans*, 1962; *United States v. Bussey*, 1974; *United States v. Poole*, 1969). Subjects viewed joint consent as a necessary prerequisite in such situations.

Discussion

The limits of our study deserve mention. First, we used a nonrepresentative sample—college students—as the source of our data. Nonetheless, this sample is highly appropriate. Members of this population are experiencing or have recently experienced the sharing of a residence. Further, these college students came from an urban university, located in a high-crime section of the city. Thus, many of our respondents have experienced contact with the police and should not be considered totally naive. Nonetheless, as with any nonsystematic sampling method, the generalizability of our results remains an open, empirical question.

Second, our research materials have not achieved a high degree of mundane realism. But, given the situations of interest to us here, it is difficult to construct realistic examples. The construction of such examples would require participation by police officers which, outside of a training context, would be difficult to arrange. And, if we used role-playing behavioral simula-

tions or videotapes, the stimuli would still be open to the same criticisms as our stimuli. Further, it is important to bear in mind that we used a fully between-subjects design. We are not reporting results of a survey of perceptions; we are reporting results from randomly-assigned subjects who responded to independent experimental situations. Given the difficulties of "real-life" examples of the target situation and our highly rigorous experimental design, our study represents a reasonable empirical approach to the problem.

This experiment, using a fully between-subjects design with random assignment, was the first empirical investigation of the degree of correspondence between legal concepts involved in third-party consent searches and lay sociocultural expectations in the situation of a shared residence. To summarize our major findings: Consistent with legal assumptions, subjects understood that, without a warrant, intruders claiming civil or criminal justice authority had no more right of entry to or search of a residence than did social or commercial intruders. Subjects were able to discriminate between "exclusive use" and "common authority" areas within a shared residence, at least at this tested level of rooms in a residence (see, however, Kagehiro, Harland, & Taylor, *in press*).

Lay perceptions of "common authority" for purposes of third-party consent to a warrantless search were examined if the co-resident (the target-person of the search) was absent and if the co-resident was present and protested (i.e., two instances of the legal situation of third-party consent). Lay perceptions were highly contingent upon the surrounding social circumstances. In the absence of the co-resident/target-person, subjects felt that B had independent consent power. When the target-person was present and protested, subjects perceived joint consent as required. Although subjects felt that B's right to permit entry over A's protests was greater when the intruder was a friend or a police officer, this cannot be interpreted as due to perceived coerciveness in a legal sense because of our previous findings regarding perceived right of refusal of entry or search. Perceived right to permit entry appeared to be based on B's own consent power as a co-resident, not on possible coerciveness of the police officer's authority.

Our findings have import for legal discussions of consenting third parties. Lay perceptions of third-party consent power in the absence of the co-resident/suspect are consistent with most judicial interpretations; lay perceptions of required joint consent if a co-resident is present and protests are inconsistent with most judicial rulings on third-party consent authority.

With respect to the law's "enclosed spaces" of search, the determining factor in subjects' perceptions of B's consent power was the specific item of search, not its location in an "exclusive use" or "common authority" area of the residence. B was not perceived as having third-party consent power over

another's personal container. Thus, lay perceptions appear to correspond with court rulings that a co-tenant cannot give valid consent to a warrantless search of another's personal effects located in an area of "common authority" (*People v. Reynolds*, 1976; *State v. Evans*, 1962; *United States v. Bussey*, 1974; *United States v. Poole*, 1969).

In sum: Courts have allowed third parties to consent to warrantless searches by police. Police can search a home if a co-resident agrees. But, the courts have not reached consensus on the appropriate conditions for such searches. Our research examined these underlying assumptions and provided information on the appropriate pre-conditions for a search. In accord with the courts' assumptions, we found that (a) respondents did not perceive police seeking entry to search without a warrant as especially coercive, and (b) they could discriminate between macro-level common-use vs. exclusive-use areas and objects. But, in contrast to several court rulings, respondents indicated that the consentor-resident's right to permit search by an intruder, when the target-resident was present and protesting, was quite limited.

These results are useful for legal scholars, providing additional support for, or raising questions about, a hotly debated area of case law. They also open up a new area of psycholegal research to which psychological theories on interpersonal trust, privacy regulation, and territorial functioning are extremely relevant.

References

- Altman, I., & Chemers, M. M. (1980). *Culture and environment*. Monterey, CA: Brooks/Cole.
- Altman, I., & Taylor, D. A. (1973). *Social penetration: The development of interpersonal relationships*. New York: Holt, Rinehart, & Winston.
- Amsterdam, A. G. (1974). Perspectives on the Fourth Amendment. *Minnesota Law Review*, *58*, 349-477.
- Bell, R. R. (1981). *Worlds of friendship*. Beverly Hills, CA: Sage.
- Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).
- Butler v. Commonwealth*, 536 S.W.2d 139, 99 ALR 3d 1227 (Sup. Ct. Ky. 1976).
- Camara v. Municipal Court*, 387 U.S. 523 (1967).
- Chambers v. Maroney*, 399 U.S. 42 (1970).
- Chandler v. Maryland*, 360 F. Supp. 305 (D. Md. 1972).
- Chimel v. California*, 395 U.S. 752 (1969).
- Comment. (1966). Third-party consent to search and seizure. *University of Chicago Law Review*, *33*, 797-825.
- Comment. (1984). Third party consent searches, the Supreme Court, and the

- the Fourth Amendment. *Journal of Criminal Law and Criminology*, **75**, 963-994.
- Frazier v. Cupp*, 394 U.S. 731 (1969).
- Goffman, E. (1959). *The presentation of self in everyday life*. Garden City, NY: Doubleday.
- Kagehiro, D. K. (1988). Perceived voluntariness of consent to warrantless police searches. *Journal of Applied Social Psychology*, **18**, 38-49.
- Kagehiro, D. K., Harland, A. T., & Taylor, R. B. (in press). "Reasonable expectation of privacy" and warrantless consent searches. *Law and Human Behavior*.
- Katz v. United States*, 389 U.S. 347 (1967).
- LaFave, W. R., & Israel, J. H. (1985). *Criminal procedure* (pp. 76-213). St. Paul, MN: West.
- Newman, D. J. (1986). *Introduction to criminal justice*. New York: Random House.
- People v. Cosme*, 422 N.Y.S.2d 652 (1979).
- People v. Haskett*, 180 Cal. Rptr. 640, 640 P.2d 776 (1982).
- People v. Miguez*, 313 P.2d 206 (Cal. Ct. App. 1959).
- People v. Reynolds*, 127 Cal. Rptr. 561 (1976).
- Raine v. United States*, 299 F. 407 (9th Cir. 1924).
- Schneekloth v. Bustamonte*, 412 U.S. 218 (1973).
- State v. Evans*, 45 Haw. 622, 372 P.2d 365 (1962).
- State v. Sorenson*, 590 P.2d 136 (Sup. Ct. Mont. 1979).
- Taylor, R. B. (1988). *Human territorial functioning*. New York: Cambridge University Press.
- Terry v. Ohio*, 392 U.S. 1 (1968).
- Tinsley, J. E. (1979). Third party's lack of authority to consent to search of premises or effects. *American Jurisprudence Proof of Facts, Second Series*, **18**, 681-729.
- United States v. Bussey*, 507 F.2d 1092 (9th Cir. 1974).
- United States v. Canada*, 527 F.2d 1374 (9th Cir. 1975).
- United States v. Hendrix*, 595 F.2d 883 (D.C. Cir. 1979).
- United States v. Katz*, 238 F. Supp. 689 (D.C. N.Y. 1965).
- United States v. Lawless*, 465 F.2d 423 (4th Cir. 1972).
- United States v. Matlock*, 415 U.S. 164 (1974).
- United States v. Nelson*, 459 F.2d 884 (6th Cir. 1972).
- United States v. Phifer*, 400 F. Supp. 719 (9D Pa. 1975).
- United States v. Poole*, 307 F. Supp. 1185 (E.D. La. 1969).
- United States v. Robinson*, 414 U.S. 218 (1973).
- United States v. Stone*, 471 F.2d 170 (7th Cir. 1972).
- United States v. Sumlin*, 567 F.2d 684 (6th Cir. 1977).
- United States v. Watson*, 423 U.S. 411 (1976).

- Van Duizend, R., Sutton, L. P., & Carter, C. A. (1985). *The search warrant process: Preconceptions, perceptions, practices*. Williamsburg, VA: National Center for State Courts.
- Warden v. Hayden*, 387 U.S. 294 (1976).
- Wefing, J. G., & Miles, J. G. (1974). Consent searches and the fourth amendment: Voluntariness and third party problems. *Seton Hall Law Review*, 5, 211-283.
- Werner, C. M., Altman, I., & Oxley, D. (1985). Temporal aspects of homes: A transactional perspective. In I. Altman & C. M. Werner (Eds.), *Home environments* (pp. 1-32). New York: Plenum Press.