

In response to a recent outbreak of gang warfare violence at the Robert Taylor Homes in Chicago that left ten people dead over a weekend, the Director of the Chicago Housing Authority, Vincent Lane, wanted to have the Chicago police conduct a warrantless sweep search of the Taylor Homes, and to require residents to agree to such searches as a condition in their housing leases. The ACLU (American Civil Liberties Union) has challenged the constitutionality of the sweep search Director Lane wanted. The ACLU also indicated that it would vigorously challenge in court any policy of the Chicago Housing Authority that makes agreement to warrantless searches a condition of living in public housing.

Under the circumstances prevailing at the Robert Taylor Homes would warrantless police sweep searches of tenants' apartments be morally justifiable?

ANSWER: No: This is a difficult question that requires balancing the fundamental interest of public housing residents in security from life threatening violent criminal behavior and their basic moral right to privacy in their homes. In this case it seems that the balance must be struck in favor of the right of privacy. Given the widespread possession and easy availability of guns in the United States, it is uncertain how effective warrantless sweep searches would be, even if done frequently. On the other hand, the searches would have to be very thorough and intrusive in light of the ease with which a person can hide a gun. The situation at the Robert Taylor Homes is tragic and frightening, but dispensing with a warrant requirement for searches of apartment is not an ethically appropriate response to it.

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