

The 'Zebra' Case

What is one to make of the police methods used in San Francisco to search for the "Zebra" killer?

A society only hangs together because of *civility*: people being able to expect that there are certain violative things other people will not do to them. The Jews were major historical authors of civility, making society possible. That, in part, is what the Ten Commandments are about.

Jews are not only major authors of civility; they also depend on it heavily. The main danger to American Jewish security is *not* the defamation of Jews, but any general loss of civility in America. That point is documented in the recent A.D.L. book by Forster and Epstein, *The New Anti-Semitism*.

The main and proper job of the police is to maintain civility whenever it seems to break down. Search and seizure—including stopping people on the streets—is often a necessary part of that job. But the Constitution stipulates that such search and seizure works *against* civility, if it is done without probable cause. Interpreting "probable cause" is perhaps the most difficult technical task the police have. The line often shifts according to different court interpretations.



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In the current situation, stopping anyone who resembles the description of the "Zebra" killer is routine police work, as it was in the case of the "Zodiac" killer. Such stopping has to be civil and relevant to the specific crime. At times, the police are given pretty wide latitude: for example, establishing a general road block, when it is relevant to a specific crime.

In this case, of course, there has been a special factor, itself related to civility. The Zebra killer, unlike the Zodiac killer, was identified as black. The black population in this country has the long and undeniable experience of being uncivilly picked out and picked on by police. In this city, the police have been trying to move away from that tradition, with some success. This is an innate part of their job. Black people have to expect to be treated with the same civility as everyone else—or civility will collapse for everyone.

So, this is the kind of situation which calls for extraordinary self-restraint on all sides. It calls for restraint on the part of those who have an automatic instinct to cry "police-state" whenever they see a policeman stopping someone. An aggressive police hunt for the Zebra killer is necessary for reasons of civility. But the situation also calls for restraint on the part of those who are so frightened they would suspend the rules of civility under which the police themselves must operate. That would be self-defeating.

And then there is the matter of strategy, which also affects civility. Suppose there had been a serious physical assault on a visiting Arab official—and a witness reported that the assailant was a young man of certain description, wearing a Star of David. And suppose the police then proceeded to stop all young men of certain description who wore a Star of David. Technically, it would be a defensible procedure—but would there not be a shock wave throughout the Jewish community?

The analogy is weak enough, but might give some sense of the problem. Stopping certain black men on the street, under the circumstances, is not in itself "racism," as some are too quick to call it. Indeed, some of those who demonstrated outside City Hall this week are not really interested in the principle of civility, but only in using this situation for their own narrow organizational purposes. But some are too quick, also, to call the black population "too sensitive." Jews are familiar with that phrase. Black citizens have reason to be especially sensitive about matters of civility, as do the Jews. Under the circumstances, it is proper to raise the question as to whether the highly publicized "wide net" proportions of this search were likely to produce hard results, or whether this was mainly a "public relations" move. If the latter, it is likely to end up being more damaging than helpful to the cause of civility.

This litany of self-restraint is obviously a litany of frustration as well. But when you come down to it—see the Ten Commandments—civility mainly a matter of self-restraint, and of the frustration of those instant passions which are self-destructive.