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Hackney, Sheldon: Humanities Chairman Nomination Hearing (1993): News Article 02

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Former Yeshiva Bocher from L.I. Says

PHILADELPHIA—In a case that has pitted champions of free speech against a university's interpretation of political correctness, an Orthodox student at the University of Pennsylvania has been charged with racial harassment. Eden Jacobowitz's crime: getting angry at an excessive amount of noise while he was trying to study and calling the unruly students the English translation of "behemah."

Although the incident occurred last January, it is currently receiving a great deal of publicity because Penn's president, Sheldon Hackney, has just been nominated by President Bill Clinton to head the National Endowment for the Humanities. According to Mr. Jacobowitz, a university official told him that it is Mr. Hackney himself who wants the

school to mete out harsh punishment to those convicted of racial harassment.

"I was told the school wants to convict someone of racial harassment because they feel it will make them look good," says Mr. Jacobowitz, an 18-year-old freshman who graduated last year from the Hebrew Academy of the Five Towns and Rockaway (HAFTR).

Trying To Study

For Mr. Jacobowitz, who says he chose Penn over Yeshiva University because, after years of Jewish schools, he wanted the opportunity to meet people from different backgrounds, the nightmare began shortly after midnight on January 13. He was studying when, outside, he heard members of a black sorority "stomping their feet and making sort of a high-pitched 'woo-woo' noise like

on 'The Arsenio Hall Show.'"

According to the official complaint filed with the university, some residents of the dormitory responded by yelling racial and gender-based epithets at the young women. Mr. Jacobowitz says he just responded to the noise. "Shut up, you water buffalo," he yelled, unconsciously translating the Hebrew put-down "behemah." "If you're looking for a party, there's a zoo a mile from here."

He insists he implied no racial slur. "I just described the noise and not anything that to do with race," he says. "Zoos are places for noise like that; college campuses during the middle of the week are for studying."

Unruly Kids

In fact, although "behemah" literally means "livestock," "cattle," or "buffalo," it is often used to mean an individual who is behaving badly. It is not a racially charged term, and could easily be used by a harassed mother who would like her children to calm down.

But the enraged black students called the university police, who went from room to room, asking students if they were involved in the incident. Not surprisingly, none of the students who had actually yelled the racial slurs confessed. Mr.

Jacobowitz, however, who believed he had done nothing wrong, told the police exactly what he had said.

The next morning, a uniformed security officer appeared at his room and escorted him to the station for further questioning. "I skipped class and told him the whole story. The next thing I knew, I got a letter telling me I'd been charged with racial harassment," says Mr. Jacobowitz.

Kafkaesque

From that point, the case becomes increasingly Kafkaesque. Penn's judicial inquiry officer, Robin Read, asked Mr. Jacobowitz if he had been having "racist thoughts" that night. "I told her racist thoughts were the furthest things from my mind," he says.

Ms. Read did not return messages left for her by phone, but, according to Mr. Jacobowitz, despite his denial, she insisted on pursuing the case. "She told me it didn't matter what I meant by my words. What counted, she said, was how the black students interpreted them," he recalls.

The procedure at Penn, which was reportedly approved by Mr. Hackney, is for students charged with racial harassment to be offered a chance for "settlement" before the matter is

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Univ. of Penn Is Preparing To Buffalo Him

brought before a university-sponsored trial. Although students are not allowed to bring attorneys to the hearing, they are entitled to advisors. According to Mr. Jacobowitz, Ms. Read gave him a list of suggested advisors, and, from it, he chose Dr. Fran Walker who works at the university's student life department.

Plea-Bargaining

"I was new at the school and really didn't know anyone on the faculty," he says. He describes his experience with Dr. Walker as "a disaster." According to Mr. Jacobowitz, when Ms. Read offered him what she considered a fair settlement, Dr. Walker completely agreed with it. Had he accepted their judgment, he would have had to apologize to the black women, conduct a "racial-sensitivity" forum, and agree to allow the school to stamp his transcript with the words "racial harasser" until he completed his junior year. Further, the entire incident would be part of his judicial review, a copy of which is frequently requested by professional and graduate schools.

According to Mr. Jacobowitz, Ms. Read told him that President Hackney insisted she "be tough" when it came to punishing racial harassers on campus.

"Does this mean you're not treating me as an individual, but just as part of a policy?" Mr. Jacobowitz recalls asking her. Her response, he says, was: "I need to keep the university's needs in mind and deliver a punishment the complainants believe is fair."

"I may be young, but I'm not stupid," says Mr. Jacobowitz. "I refused to accept their settlement."

"Reverse McCarthyism"

In the meantime, news of his predicament reached Alan Charles Kors, a history professor deeply committed to free speech. Dr. Kors, who agreed to serve as Mr. Jacobowitz's advisor, says the charges against the student symbolize "the reverse McCarthyism and reign of terror at the University of Pennsylvania and on a large number of college campuses."

Dr. Kors, who insists there is no way Mr. Jacobowitz's statement could be interpreted as a racial slur, has collected a pile of statements from experts who agree. Elijah Anderson, a prominent black sociologist, told him the term "water buffalo" has never been used as a slur against blacks. Dan Ben-Amos, a Penn expert on African folklore and a native Israeli, told Dr. Kors that, considering Mr. Jacobowitz's religious back-

ground, it was obvious that all the boy had done was translate "behemah."

Mr. Jacobowitz's is not the only free-speech case to bedevil the Penn campus this semester, and, as a result, cast a cloud over Mr. Hackney's nomination. In April, a group of black students claimed responsibility for stealing all 14,000 copies of the school's student newspaper, *The Daily Pennsylvanian*, because they were upset with a column in that edition which decried affirmative action. According to a report by Jeffrey Goldberg in the *Forward*, the editor of the paper, Stephen Glass, says the university administration is not supporting the paper in the dispute.

"They told us this was a legal form of protest. They told us they will not provide police protection for our newspaper

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and that they will only respond in the event of a physical altercation," Mr. Glass told Mr. Goldberg.

Anti-White Racial Slurs

An incident which is part of Mr. Jacobowitz's case further complicates the Penn administration's contention that it is evenhanded when it comes to free speech dilemmas. Thirty minutes after notifying campus police, the black students who

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Penn Learns the Ins and Outs of PC "Behemahs" continued from page 21

felt themselves injured by Mr. Jacobowitz's calling them "water buffalo" entered the dormitory. According to Mr. Jacobowitz, they were directed to his room by another student on his floor who knew Mr. Jacobowitz had yelled something, but was unaware of the specific words he had used. Racing through the halls, the young women told students whose doors were open, "This is none of your business, but if you don't shut your door, it'll be your business."

When they reached Mr. Jacobowitz's room, he was out, but the young women turned on his roommate saying, "You, white boy, we're going to get you thrown out of school."

"Those threats and racial statement have been totally ignored by the administration and

the judicial inquiry officer," says Mr. Jacobowitz.

While Dr. Kors does not think there was initially any anti-Semitism in the university's treatment of Mr. Jacobowitz, he now feels the school's refusal to understand that "water buffalo" was simply a translation of "behemah" may point to a darker motivation.

Postponed Trial

Mr. Jacobowitz's trial before a panel of three professors and two students was supposed to have been held on April 26, but, according to Carol Farnsworth, a Penn spokesman, it was postponed because the plaintiffs' advisor became unavailable. "If the hearing is not held before May 14, the end of the semester, it will have to be held in the fall," said Ms. Farnsworth.

Mr. Jacobowitz says he will seek outside legal counsel if the school does not act to finalize the situation before the end of the term. Despite some news stories to the contrary, Ms. Farnsworth insists Mr. Jacobowitz is in no danger of being suspended or expelled from the school, even if the panel were to find him guilty.

Acknowledging that the university is in the precarious position of trying to balance a concern for maintaining "core values of racial respect" with the school's long tradition of free speech, Ms. Farnsworth says she is sensitive to the concerns Jewish students and parents have raised in light of Mr. Jacobowitz's case. Penn, a highly competitive Ivy League school, has enjoyed a sterling reputation in the Orthodox com-

munity. Kosher food and religious services are readily available, and many students report that Jewish life on the campus is excellent. But news stories about Mr. Jacobowitz's case have caused some parents to consider sending their children to school elsewhere. Reportedly, there is now a letter campaign urging Mr. Clinton to forego Mr. Hackney's nomination to head NEH.

Ms. Farnsworth insists Mr. Hackney is committed to free speech. "The same openness Penn has shown to the Jewish community is now important to minority students," she says. "Given our commitment to pluralism, we feel the need for a careful, narrow racial harassment policy. Inevitably, this comes into conflict with the need to endorse open expression."

S.L.R.

Hillel Academy To Honor Rep. and Mrs. Herb Klein

PASSAIC—When the Hillel Academy honors Rep. and Mrs. Herb Klein at its 48th annual dinner next month, the school will be saluting not only a freshman member of the Congress, but also a couple that have devoted themselves to Jewish causes throughout the Clifton-Passaic community serviced by Hillel.

New Jersey-born and bred, Mr. Klein, a Democrat representing the 8th Congressional District, has been a long-time resident of Clifton; his wife, Jacqueline, the daughter of Ceil and Benedict Kreiger, is a native of Passaic. He has served as past president of both the Jewish Federation of Clifton-Passaic and Beth Israel Hospital, and has been active with the Clifton B'nai B'rith, Jewish War Veterans, and the YMHA. He currently serves as a trustee of

the Daughters of Miriam Home for the Aged.

Mrs. Klein is a board member and past officer of both the Clifton-Passaic YMHA and the local Jewish Family Service as well as treasurer of the Jewish Federation. The Kleins have an adult son, Roger, an attorney.

The interests of the Kleins and Hillel have often coincided, most recently in the work of the Jewish Family Service to ensure every new immigrant Soviet child in the community a Jewish education.

"We at Hillel are proud of our work with the Jewish Family Service to enroll almost all of the immigrant children from the former Soviet Union who have settled in our area. This has given the school not only the opportunity of teaching the children about America, but, even more importantly, giving

most of them the very first education about their Jewish heritage," said Dr. Jonathan Gold, journal chairman of the Hillel dinner.

The Hillel Academy, which has enrolled more Soviet-Jewish immigrants than any other Jewish school in northern New Jersey, has had to provide most of these children with substantial scholarships. The school's long-standing policy is to provide a quality Jewish education regardless of the student's ability to pay tuition. Funds raised at the dinner through its journal will help.

"In addition to honoring our guests, those who attend the dinner and take an ad in the journal will be assisting Hillel in continuing to provide our community with a quality educational facility for both Judaic and secular studies for all students," said



Rep. Herb Klein (D-NJ)

Dr. Gold.

For more information on the dinner, which will be held on Sunday, June 13, 1993, at the Town and Campus in West Orange, contact the Hillel Academy, 565 Broadway, Passaic, N.J. 07055, or call (201) 777-0735.

S.L.R.