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Forward 4/23/93

(N.T.C.)

Pennsylvania Preparing to Buffalo a Yeshiva Boy

Jeffrey Goldberg Uncovers the Case of a Freshman Caught in the Crossfire of the Culture Wars

In a case that embroils President Clinton's nominee to head the National Endowment for the Humanities, a University of Pennsylvania freshman will go on trial next week before a school disciplinary committee on charges that he called a group of black women "water buffalo."

As unlikely as the charge sounds, the hapless freshman, Eden Jacobowitz, is taking the proceedings seriously. If found guilty, his transcript could be stamped "racial harasser," and Penn regulations allow the administration to expel him from school. His defense — he's arguing

it himself, since Penn rules prohibit him from bringing a lawyer to argue for him at Monday's trial — will be that there were no racial overtones to what he said. What he did, he says, was to translate, unconsciously, a non-sectarian Hebrew put-down often heard at his Long Island yeshiva — "behemah," a word that means "livestock" or "buffalo" but whose slang meaning is "idiot."

The case of Penn vs. Jacobowitz will be closely watched not only because it is turning into one of the most remarkable skirmishes in the

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NEW YORK METROPOLITAN

Penn Preparing to Buffalo a Yeshiva Bocher

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culture war being waged on college campuses across America, but because Penn's president, Sheldon Hackney, an advocate of sexual and racial harassment codes on campus, is the White House's nominee to head the perennially controversial NEH. Mr. Jacobowitz says that a Penn official told him that Mr. Hackney is interested in seeing the school mete out harsh punishment to those convicted of racial harassment. While advocates for minority students on mostly white campuses argue that anti-harassment codes are necessary to protect minority students from hostile whites, Alan Charles Kors, a history professor who is serving as the accused's adviser, says that the charges against Mr. Jacobowitz symbolize the "reverse McCarthyism and reign of terror at the University of Pennsylvania and on a large number of college campuses."

"The whole thing is a combination of Orwell and Kafka and the trial in 'Alice in Wonderland,'" Mr. Kors says.

The Jacobowitz incident is the second free speech case to entangle the Penn administration this month. Last Thursday, a group of black students claimed responsibility for stealing all 14,000 copies of the university's student newspaper, The Daily Pennsylvanian, apparently to protest the paper's decision to run a conservative student columnist who has written against affirmative action. The editor of the Penn paper, Stephen Glass, says that the Penn administration is not backing his paper in the dispute.

"They told us that this was a legal form of protest," Mr. Glass says.

"They told us that they will not provide police protection for our newspapers and that they will only respond in the event of a physical altercation."

Mr. Hackney could not be reached for comment, but a Penn spokeswoman says that the president stands firmly on the side of free speech.

Writing a Rebuttal

"He says that it's wrong to take the newspapers," says Barbara Beck, the spokeswoman. "There are other ways to protest what a newspaper says, such as writing a column in rebuttal or boycotting its advertisers."

Ms. Beck says that the case will be handled by the school's judicial inquiry officials, the same officials now pressing the racial harassment charges against Mr. Jacobowitz.

Mr. Jacobowitz's troubles began shortly after midnight on Wednesday, January 13. Residents of High Rise East, a dormitory, had been yelling racial epithets out of their windows at the sorority sisters, who, Mr. Jacobowitz says, had been "stomping their feet and making sort of a high-pitched 'woo-woo' noise like on 'The Arsenio Hall Show.'"

Mr. Jacobowitz did not hear the racial epithets, he says — all he heard was the noise outside.

"I just yelled, 'Shut up, you water buffalo. If you're looking for a party, there's a zoo a mile from here.'" He is adamant that his statement was not racially motivated. "I just described the noise and not anything that would do with their race," he says. "I found out later that people in other rooms were yelling things like 'nigger' and 'bitch' but all I was doing was trying to talk about the noise." He says he

referred to a zoo because zoos are often associated with noise, and the mention of water buffalo was an attempt to find a "neutral, stupid comment to shut them up."

The black students, upset at the racially-charged yelling, called the university police, and, together with officers, entered the dormitory.

"Everyone who was yelling racial [slurs] wouldn't identify themselves, but I thought there was no problem with what I said," he continues. "I decided to help the police, so I volunteered myself. I told the police what I said and they wrote it down."

Charges Levelled

Mr. Jacobowitz says he thought that that would be it, but the next morning, a uniformed Penn police officer came to his dorm room and brought him down to the station for further questioning. "I skipped class and told him the whole story," Mr. Jacobowitz states. "Then one day, I get a letter, telling me I've been charged with racial harassment."

Mr. Jacobowitz met several times with a Penn judicial inquiry officer, Robin Read. "She was asking me if I was having racist thoughts that night, and I told her that I didn't have any racist thoughts. It was the furthest thing from my mind." Despite his denial, Ms. Read wanted him to agree to a plea-bargain in which he would have to write a letter of apology to the sorority, run a racial sensitivity seminar in his dormitory, and have the charge mentioned on his transcript.

Ms. Read could not be reached for comment, but, according to Mr. Jacobowitz, the judicial officer told him that she needed "to keep the university's needs in mind" when pun-

ishing him. "I asked her, does this mean you're not treating me as an individual, and she admitted that there were political pressures from higher up." Mr. Jacobowitz says that Ms. Read told him that Mr. Hackney wanted racial harassment to be severely punished on campus.

Mr. Jacobowitz rejected the agreement, and eventually found his way to the office of Mr. Kors, a First Amendment absolutist who has frequently butted heads with school officials over free speech issues.

Mr. Kors says he could not believe that Mr. Jacobowitz's statement could be interpreted as racist. He went to several scholars, including the prominent black sociologist Elijah Anderson, who all told him that the term "water buffalo" has never been used as an anti-black slur. He also checked with Dan Ben-Amos, a Penn expert on African folklore.

"As Alan began to describe the kid's [religious] background, I said wait a minute, he did a translation of the Hebrew 'behemoth,'" says Mr. Ben-Amos, an Israeli.

Mr. Jacobowitz says when he heard of Mr. Ben-Amos' discovery, he realized that that was what he was thinking. "That's something that people say everyday, mostly at other Jews," Mr. Jacobowitz says.

A panel of three professors and two students will hear Ms. Read's charges against Mr. Jacobowitz's at Monday's trial. Mr. Jacobowitz, who says that his work has suffered because of the case — finals are in less than two weeks — says he's confident he can explain what really happened.

A Penn spokeswoman, Carol Farnsworth, declined to comment on the case, citing confidentiality. "This is not like a regular court system," she says.