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Hackney, Sheldon: Humanities Chairman Nomination Hearing (1993): News Article 26

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Ph. Jacobowitz

'Water buffalo' a racial slur? Penn and student disagree

By ROBERT LEITER
Exponent Staff

University of Pennsylvania freshman Eden Jacobowitz, who has been accused of shouting racial slurs at members of a black sorority, will have to wait until the fall to have his case heard by a panel of university authorities and students.

The judicial inquiry, which was to have taken place Monday, was "postponed indefinitely" last Friday, said Dr. Allen Charles Kors, a Penn history professor who is acting as legal adviser to the Orthodox Jewish student from Long Island. The reason given then was that the sorority women had no legal advisers.

But on Wednesday, Judicial Administrator Dr. John Brobeck left a message on Kors' answering machine at Penn saying the inquiry had been postponed until the fall because of all of the publicity the case had engendered.

Jacobowitz's entanglement with university authorities began close to midnight on Jan. 13. According to the freshman, the second semester was just getting under way and he was working on an English paper. His roommate was asleep.

The group of black sorority sisters was making noise outside High Rise East, the dormitory where Jacobowitz resides. Other dorm residents were yelling for them to quiet down, and Jacobowitz said some may have shouted racial epithets. But he said he only heard the noise and wanted it to stop. Racism was the furthest thing from his mind, he said.

What he remembers yelling was, "Shut up, you water buffalo. If you're looking for a party, there's a zoo a mile from here."

The sorority members, incensed by the yelling, called the campus police. According to Jacobowitz, when the police arrived on his floor and asked who had been involved in the incident, only he stepped forward.

"Other people were never spotted," the freshman said. "They were hiding because they had something to hide. I felt I hadn't done anything to be afraid of. I thought I would tell them what had happened and not hear from them again."

When asked by Penn police if he knew the race of the women, Jacobowitz said yes, but it had no relevance to what he had shouted.

Robin Read of the university's

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Judicial Inquiry Office thought otherwise. She decided the water-buffalo reference was racist and pressed on with the matter.

Last month, she told Jacobowitz that no further action would be taken against him if he apologized to the women, led a sensitivity seminar on race in his dormitory and agreed to have the incident become part of his transcript.

When he refused, Read told him he would have to attend the hearing that was scheduled for Monday.

Jacobowitz said he has offered to speak to the women many times and to apologize.

"But I don't think they want a quick resolution to this case," he said. "I think they wanted to get someone on racial harassment."

In the midst of all this, Jacobowitz has been struggling to find time to study for his final exams, which began yesterday.

The case has garnered considerable media attention in recent days, including an editorial in the April 26 *Wall Street Journal*. The only official university announcement con-

cerning the charges has been a letter by Penn President Sheldon Hackney to the *Journal* in response to the piece.

Hackney writes that federal law and university policy do not permit him to discuss the facts of the case. He comes down on the side of freedom of expression, but makes it clear in the last paragraph of his letter that the university judicial process directed at Jacobowitz will continue.

"Those who think they know what the outcome should be," Hackney writes in conclusion, "are impatient with the process, but that process must be allowed to run its course."

Kors, Jacobowitz's adviser, said it was "unconscionable" that the hearing was postponed, and that Hackney speaks in his letter of "patience."

"Eden, the one person who cooperated with the Penn police, has been waiting since January," Kors said. "He's become their only scapegoat. This case is so absurd. It's out of Orwell and Kafka."

"I was told the case had to be heard Monday or never," the professor said, "and I, and many others, rearranged our schedules completely. I agreed to Monday because it meant Eden would have to go alone otherwise."

Kors said he had gathered 10 faculty and staff members and 10 students who were ready to testify on Jacobowitz's behalf. Among the faculty members were Dr. Elijah Anderson, a black ethnographer and sociologist at Penn, and Dan Ben-Amos, an Israeli also at Penn, whose area of expertise is African folklore.

Anderson told Kors he would testify that "water buffalo" has never been used as a racial slur. And Kors said it was Ben-Amos who realized that, because of Jacobowitz's callous background and

yeshiva training, he had probably translated the Hebrew word *behe-mah* in his head. The word can mean water buffalo or ox, Kors said, but it can also mean a person involved in thoughtless behavior. The phrase might have been commonly used at Jacobowitz's yeshiva, the adviser noted.

According to Kors, there was no due process in the case.

"I know this for a fact," he said. "I met with Robin Read and asked her if her mind was still open on this and if she would consider dropping the case if she was presented with new evidence. I told her about Elijah Anderson — there's no one who knows more on the subject — and that in all of his experience he has never heard of the phrase used as a racial slur. I gave her my whole case. But the Judicial Inquiry Office never contacted Anderson at all."

All calls to the Judicial Inquiry Office were referred to the university public relations office. The Exponent was told that university policy does not permit Read to comment on the Jacobowitz matter.

The case is further complicated by the fact that Penn President Hackney is President Clinton's choice to lead the National Endowment for the Humanities. Hackney is perceived as a champion of free speech, especially after he spoke out in favor of Robert Mapplethorpe's controversial photographs when they were exhibited on campus.

But at the same time, said Michael Cohen, a physics professor at Penn, Hackney "was instituting a very restrictive speech code at his own university."

Jacobowitz said Read told him she was aggressively pursuing this particular case because Hackney had made it clear that perpetrators of hate speech at Penn had to be soundly punished.

Kors concluded that the university might just as well use the same

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to save face.

"They will have escaped the glare of publicity and postponed their embarrassment," he said. "By the fall, Hackney will probably have been confirmed by the Senate as the new head of the National Endowment for the Humanities.

"But they have been crucifying this kid since January," he said, "and now they want this to hang over his life all summer."

As to the question of whether Jacobowitz is being persecuted because he is a Jew, Kors said there wasn't a Jewish element in the initial charges.

"But here's what I've found," the professor said. "Penn likes to think of itself as a multicultural university. But after I gave them the scholarly references from Anderson and the Jewish tradition that would show Eden's innocence, for a university to continue the case and call itself multicultural is a scandal. What the university is saying is that this is a multicultural community, but that there's no room for certain people — Evangelical Christians, Catholics and now Jews."

Others on campus disagree with Kors on this point. Jeremy Brochin, director of B'nai B'rith Hillel Foundation at Penn, denies the issue is a black-Jewish one.

"It has to do more with racial harassment codes on campus," Brochin said. "It's clear that the university has been struggling to get some sort of code in place, to get a balance between free speech and harassment. But this is an overly restrictive code.

"I take a more libertarian position," he said. "Our position — that is, Hillel's within the university — will be no prior restraint. We can disagree with the choice of speakers brought to campus, but let them speak and then we'll criticize what they said."

Lonnie Lore Beer, associate director, Eastern Pennsylvania-Delaware Region of the Anti-Defamation League, who wrote to Read on Jacobowitz's behalf, also said that what has happened to the Penn freshman "doesn't seem to have been done deliberately because he's Jewish." Rather, she wrote in her letter, the charges against Jacobowitz "are questionable and possibly groundless."

But the manner in which this case has been handled drew fire from physics professor Michael Cohen, who said the official policy of the university is to draw "a curtain of secrecy over its internal judicial proceedings. Without this curtain of secrecy, the university community would not tolerate the unjust aspects of these proceedings.

"The university releases information in a very selective way," he said. "It deals in news management, and anyone who talks to you about this is probably breaking some university rule or code."

Cohen has taught at Penn for 35 years and said things have never been worse concerning free speech.

"The racial harassment policy on campus is a general form of intimidation," he said. "The students who suffer are those who don't subscribe to the university's idea of political correctness. [The Jacobowitz case] would seem to be an example of normal hostile reactions on the part of immature students. Now it's been blown out of proportion.

"I was around during the McCarthy era and this is much worse," he said. "There's been nothing like this."