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

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'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.

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 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.

Judicial Inquiry Office thought the charges have been a letter by Penn President Sheldon Hackney to the Journal in response to the matter.

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."

Kors 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 go Monday because it meant Eden would have to go alone without you."
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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 code is too restrictive."

In a semi-anarchistarian position, he said. "Our position - that is, if it's within the university — is that if we're theutarists, we can discuss and bring speakers, but let them speak and then we'll criticize what they've 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."

"It's been said"