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## Hackney, Sheldon: Humanities Chairman Nomination Hearing (1993): News Article 48

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THE WASHINGTON TIMES  
April 27, 1993

# Penn's delay of trial for 'slur' called political, but not correct

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By Nancy E. Roman  
THE WASHINGTON TIMES

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Political correctness has become law at the University of Pennsylvania, where a freshman faces expulsion for calling a boisterous bevy of black sorority women "water buffalo."

But the student's trial, scheduled for yesterday, was "indefinitely postponed" by university officials without warning, leaving the case unresolved as the end of the school year rapidly approaches.

The sudden postponement prompted speculation that univer-

sity President Sheldon Hackney ordered the delay to protect his pending nomination to head the National Endowment for the Humanities.

"My initial take on it is that it [the postponement] is to let Hackney get through this crisis quietly," said Damon Chetson, editor of the the Daily Pennsylvanian, the campus newspaper.

School officials, who asked not to be identified, echoed Mr. Chetson's sentiment and speculation about the trial's postponement.

Mr. Hackney, viewed by many around the country as a free-speech advocate because of his defense of

photographers Robert Mapplethorpe and Andres Serrano, has come under attack for protecting only liberal speech, Mr. Chetson said.

"It is easy to defend Mapplethorpe and Serrano because these people are politically correct to defend," he said. "These are people that liberals love to defend. When you are trying to defend conservatives, it is much more difficult. Hackney's taken a lot of flak over this, and he wants it to go away."

Mr. Mapplethorpe, who died of

AIDS complications in 1989, is known for his explicit black-and-white photos of men in homoerotic poses; one of his photos shows a man urinating into another man's mouth. Mr. Serrano is known for his "Piss Christ," a photograph of a crucifix standing in a jar of his urine.

Mr. Hackney's office did not return phone calls seeking comment about the trial.

The university's Judicial Inquiry Office, which brought the complaint, referred phone calls to Assistant President Stephen Steinberg, whose office referred inquiries to the university press office, which declined comment.

Student Eden Jacobowitz stands accused of racial harassment and faces expulsion over an incident that occurred in January.

As he was writing an English paper and his roommate was sleeping, a group of black sorority women clamored outside his dorm window and disturbed many of the dorm's residents, he said.

Mr. Jacobowitz said he yelled at them, telling them that they were acting like "water buffalo" and that,

if they wanted to party, they should go to a nearby "zoo."

When campus police investigated the incident, he said he had made the comments, and the police took no action against him.

But the campus' judiciary inquiry officer, Robin Read, examined the police reports and concluded that Mr. Jacobowitz had intended a racial slur because water buffalo are "large black animals that live in Africa."

What's more, the term "zoo" had racial overtones, she said, without elaborating, in her report to the inquiry board. She suggested that though Mr. Jacobowitz had not spoken racial slurs, he might have been "thinking" them.

"On most campuses, too many people are intimidated," said Alan Charles Kors, who is representing Mr. Jacobowitz in the flap. "It's much worse than McCarthyism ever was. You can't say anything."

Mr. Kors, a history professor, helped to assemble a team of faculty and students willing to testify on behalf of Mr. Jacobowitz.

Witnesses were to include Elijah Anderson, a leading sociologist who said he knows of no instance in which "water buffalo" has been used as a racial slur, and professor Dan Ben-Amos, an expert in black folk-

## *Penn President Sheldon Hackney has come under attack for protecting only liberal speech.*

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lore who suggested Mr. Jacobowitz — an Israeli-born Jew fluent in Hebrew — chose the term because of the common Hebrew word "bahe-men," which means water oxen.

"I've never thought of myself as a racist," Mr. Jacobowitz said. "I've been the furthest from it. I've tried to treat every individual in the same way. I went to yeshiva, an all-Jewish school. I came to this school because I wanted to meet people from other backgrounds, not to alienate them."

Mr. Kors said he learned when he checked his home messages late Friday that the trial had been "indefinitely postponed" because the five female students did not have an adviser.

"What is utterly remarkable about this is that they [university officials] had given me an absolute six days in the midst of a phenomenally busy conference and work schedule," he said. "Then we have every-

thing in place, and they postpone it."

Mr. Kors said finals begin this week, after which faculty and students begin to leave.

"There are two possible injustices: They hold it now, knowing his witnesses have dispersed, or they postpone to the fall. Then Hackney goes to the NEH, and meanwhile Eden, who has had this dark cloud hanging since January, will have it hanging over him all summer," he said.

The university's racial harassment policy — which evolved under Mr. Hackney's tenure — prohibits students, faculty and staff from engaging in "any behavior, verbal or physical, that stigmatizes or victimizes individuals on the basis of race, ethnic or national origin." It explicitly prohibits behavior that creates "an intimidating or offensive academic living or work environment."

The policy has been the subject of a number of controversies this year, as students and faculty have complained that it has been arbitrarily enforced.

"Free speech at the University of Pennsylvania really doesn't exist if you are from a conservative mindset," said Mr. Chetson, a junior. "If you oppose the liberal viewpoints of the administration, you shouldn't expect your rights to be protected."