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Metro

Thursday, April 29, 1993

Penn delays harassment hearing

Publicity prevents a fair hearing for a freshman who yelled "water buffalo," an official said.

By Howard Goodman
INQUIRER STAFF WRITER

A University of Pennsylvania judicial officer said yesterday that he has postponed until fall a hearing for Eden Jacobowitz, the freshman charged with racial harassment for shouting "water buffalo" at a group of black sorority women.

John R. Brobeck, the university's judicial administrator, said he ordered the postponement because publicity about the case stood in the way of a fair proceeding.

"It's just not possible to arrange for an impartial hearing in the face of all this publicity," Brobeck said.

Jacobowitz's case has been recounted in Philadelphia newspapers, the Wall Street Journal and elsewhere. It has become a prime exhibit for those who believe that university harassment codes are antithetical to principles of free speech.

Alan C. Kors, a history professor who has been advising Jacobowitz, called Brobeck's decision "unconscionable."

"I find it so unjust," Kors said. "This matter began in January. They've taken the kid's entire semester away from him in his freshman year, and now they're going to allow this to hang over his head like a cloud until the fall."

A hearing by a five-member panel of students and faculty had been scheduled for Monday. But on Friday, it was canceled indefinitely because the adviser to the students who brought the charges left the case, Kors said.

Brobeck said that he had planned to hold the hearing May 11, several days after final exams.

He said that Kors had intended to ask the panel to dismiss the charges and that Jacobowitz would not be in attendance.

Brobeck said that if the panel had decided not to drop the charges at that hearing, Kors had planned to

call for a postponement rather than proceed without Jacobowitz.

"My conclusion is that he was really staking everything on this, that he would get it dismissed," Brobeck said.

Jacobowitz is accused of racial harassment under a university harassment policy. He was one of several students who shouted down to a group of black women students allegedly making noise in front of a dormitory near midnight on Jan. 13. Racial insults were spoken.

But Jacobowitz said his only words were, "Shut up, you water buffalo, and if you're looking for a party, there's a zoo a mile from here."

He contends he meant nothing racial, but was instead using an insult frequently used among Orthodox Jews such as himself, derived from the Hebrew word *behamah*. It figuratively means *fool* and also translates as *beast* or *buffalo*.