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Penn not restrictive enough, black lawyers say

By Howard Goodman
Inquirer Staff Writer

The University of Pennsylvania, der fire from critics who say the hool wimped out in its defense of speech on campus, is under attack from a different direction as well.

A group of black lawyers, warning possible legal action, says Penn should do more to restrict speech it contributes to racism.

The National Conference of Black Lawyers wrote to President Sheldon Hackney, saying they were "gravely concerned" about the university's failure to create a nondiscriminatory educational climate.

They also contended that the Daily Pennsylvanian, the student newspaper, had "systematically published items that were intended to inflict psychic injuries upon minority readers," and blamed administration officials for not doing something about it.

Although the letter hints at possible legal action, it urges Hackney to work with the lawyers "in an effort to resolve underlying problems" before matters come to that.

The Daily Pennsylvanian, which is independent of the school administration, has angered black students and newspaper staff this year, particularly for publishing columns by a student they consider racist.

That anger rose to the level of protest last month when a group of black students confiscated nearly all 14,200 copies of the April 15 edition in an early-morning raid on newspaper drop boxes. The newspaper staff and many of its defenders called that action a grave violation of freedom of speech.

The National Conference of Black Lawyers says otherwise. The letter asserts that "in the context in which they were published, the DP's messages are not protected speech."

Penn has said that the Daily Pennsylvanian and its columns are protected by the university's Guidelines on Open Expression, which state that free expression is the "paramount value" at the university.

The conference says it wants that protection revoked.

"We believe the Guidelines on Open Expression should never be used to defend racial harassment," the letter says.

Penn has a racial-harassment code that has been criticized in recent weeks by the American Civil Liberties Union, as well as by pundits disdainful of the movement for political correctness, as an assault on the First Amendment.

In a widely publicized instance, a white student has been charged with racial harassment for yelling at black sorority women, who were allegedly making noise, and calling them "water buffalo."

The student, Eden Jacobowitz, said the term had no racial connotation. Hackney said yesterday that a hearing for Jacobowitz would be held May 14 in an effort to dispose of the matter before the school year ends.

Last week, a judicial official had announced that the hearing would be delayed until the fall.