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## Hackney, Sheldon: Humanities Chairman Nomination Hearing (1993): News Article 59

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## Penn Debates the Meaning of Water Buffalo

By DAVID G. SAVAGE  
TIMES STAFF WRITER

PHILADELPHIA—In the midst of final exams at the University of Pennsylvania last week, students at this Ivy League campus were spending much of their time discussing, of all things, the water buffalo.

But it was not a required course in undergraduate zoology that was absorbing so much of their attention. It was another academic matter entirely: the boundary between free speech and racial insults.

To some, the Penn saga is the ultimate tale of political correctness. Simply be-

cause an angry freshman shouted the words *water buffalo* at some noisy sorority sisters outside his dormitory, he was branded a racist and snared in a semester-long tangle with the campus thought police, they say.

This week, a University Hearing Board of students and faculty will hear the evidence against the student, Eden Jacobowitz.

To others, and especially Penn's black students, this crackdown on shouted insults is long overdue. Whenever black students gather together, blatantly racist slurs are hurled from windows, they say.

University officials sound a bit shell-shocked. In the best liberal tradition, they say they are firmly committed to wide-open free speech and to full equality for black students—but they are finding that the two do not always mesh easily.

The water buffalo flap could not have come at a worse time for Penn President Sheldon Hackney. Last month, President Clinton announced that he would nominate Hackney to head the National Endowment for the Humanities, and Hackney is waiting to hear when the Senate will take up his confirmation.

But ever since the defenders of Jacobowitz took their case to the press, Hackney has been portrayed by his critics as an apostle of political correctness.

Hackney was willing to vigorously defend free speech and free expression when black nationalist Louis Farrakhan spoke on campus and when the late Robert Mapplethorpe had his sexually explicit photographs displayed there, they say. But he has been unwilling to lift a finger to defend

a student against the charge that he made an unintentionally racist utterance.

"He is giving students the worst possible lesson on freedom. It is that freedom depends on which groups can muster the most political clout," said Alan C. Kors, a Penn history professor who took up Jacobowitz's case.

Although upset by the charge that he has a double standard on free speech, Hackney has refused to debate the details of the water buffalo case, saying that under federal confidentiality laws, school officials cannot disclose information about individual students. Further, he says, he is not permitted by university procedures to intervene until a hearing board has made a decision.

It all began near midnight on Jan. 13, when Jacobowitz, an 18-year-old from Long Island, N.Y., was working late, typing a paper.

That evening, a dozen members of a black sorority were out celebrating Founders' Day, singing songs and having fun, they said.

The noise reverberated into Jacobowitz's open window, and he leaned out to complain.

"Shut up, you water buffalo!" he shouted. "If you're looking for a party, there's a zoo a mile from here."

The sorority women were angered by what they heard. They told campus police the words *bitch* and *nigger* were shouted too, although they could not say where those comments came from.

Jacobowitz was easy enough to find. He readily admitted to the "water buffalo" comment.

"I volunteered to talk because I didn't do anything wrong," said Jacobowitz, who looks the part of a freshman. During a recent interview, he was outfitted in a T-shirt and a baseball cap. He lives in an extraordinarily messy dorm room. "This had nothing to do with their skin. It had to do with the noise they were making."

Then why use the phrase *water buffalo*?

"I don't know why it popped into my head. They were stomping and making a 'woo, woo' noise. It seemed to describe what they were doing," he said.

His defenders have also noted that Jacobowitz attended a Jewish day school where the Hebrew word for water oxen, *behameh*, was sometimes tossed around as a mild insult.

"It is said Jew to Jew. Nobody takes any offense," Jacobowitz said. In that context, the word means "a thoughtless person" or a "fool."

But none of these explanations impressed the campus official assigned to enforce Penn's code of conduct on racial harassment. This policy, enacted in 1988, was revised in 1991 to narrow its application to true racial insults hurled at an individual student, not to classroom comments about racial issues that arouse anger.

Penn officials insist their current policy is a good one, although it is rarely used. Jacobowitz's is the first case to go to a full hearing, they say.

After being interviewed twice by campus police, Jacobowitz was summoned in January to meet with Robin Read, an official who investigates allegations of racial harassment. She asked Jacobowitz

whether he had "racist thoughts" when he made his water buffalo comment. He firmly denied having such thoughts and gave his explanation. She also allegedly told him that his comment seemed to be a racial insult because water buffalo are "big, black animals that live in Africa."

Actually, water buffalo live in Asia.

Read has refused to discuss the case, and six sorority sisters who filed the complaint have not allowed their names to be released.

In a March 22 letter, however, Read sided with the sorority women. She informed Jacobowitz that to settle the matter, he would have to agree to write a letter of apology "in which you acknowledge your inappropriate behavior," be put on probation in his dormitory and have a letter put in his student file noting a "violation of the code of conduct on racial harassment."

Read's letter concluded by saying he would have to agree to keep the matter confidential.

Jacobowitz refused to sign the settlement letter and instead demanded a hearing before a panel of students and faculty. "I was willing to apologize for calling them water buffalo, but not for racial harassment," he said.

The hearing was set for April 26, but was postponed when the adviser for the sorority women backed out of the case. It appeared that the matter would be carried over until the fall, but when Kors and Jacobowitz complained, a hearing was set for May 14.

The water buffalo incident is not the

only clash that has riled the Penn campus this spring. Three weeks ago, a group of black students confiscated 14,000 copies of the student newspaper to protest a series of columns by a conservative white student who had denounced affirmative action and questioned whether Dr. Martin Luther King Jr. should be seen as a role model.

Around the campus, there are plenty of opinions about the recent incidents and what they say about race relations today.

Black students say they have been hurt and angered by the behavior of some whites. Last year, when students marched to protest the verdict in the first Rodney G. King beating trial, some white students threw eggs and called out racial slurs.

"There is a resentment toward aspiring black students. It is like they resent us being here," said Nikki Taylor, a junior.

Kors says he is convinced that the campus policy on racial harassment is making matters worse. "The university may have gone into this with the best of intentions, but it has been terribly counterproductive. We're making the place into a Beirut or Yugoslavia, where everything is highly partisan and divided up by race."

But Will Harris, a political science professor, says he is not convinced that the racial harassment policy itself is to blame. He voices a view that appears to be shared by top university officials.

"It is not a problem with the policy. It was a bad call by a judicial officer," he said, referring to Read's decision.

He expects that the student will be exonerated this Friday. "If it comes out the wrong way, then maybe it will be time to take a look at the policy," he said.