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Howard Goodman

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The Philadelphia Inquirer

Metro

Friday, May 14, 1993

Speech-code hearing today for Penn student

The hearing, over a "water buffalo" remark, almost was postponed. The ACLU headed off a rules change.

By Howard Goodman
INQUIRER STAFF WRITER

Five months after he called a group of black women students "water buffalo," University of Pennsylvania freshman Eden Jacobowitz will get his hearing at 8 this morning

on charges of racial harassment.

The closed-door hearing at Penn's Law School was originally scheduled for April 26, then postponed until next fall, then rescheduled for today.

But for a while yesterday, it looked as if the hearing might be cancelled

again. The American Civil Liberties Union, contending that the hearing's format would be unfair to Jacobowitz, threatened to seek an injunction in federal court to stop the proceeding.

History professor Alan C. Kors, Jacobowitz's adviser in the case, said that Penn's judicial administrator told him Wednesday night of a change in the hearing's ground rules.

According to Kors, judicial administrator John R. Brobeck had told him earlier this month to bring no witnesses to the hearing. Brobeck said the only issue would be a request by Kors that the charges against Jacobowitz be dropped, Kors added.

But on Wednesday, Brobeck told Kors that his "superiors instructed me" to say that the hearing would be

low examination of the is-
ors said.

dition, the complainants in
e would bring about 15 wit-
Kors said he was told.

witz's witnesses — 20 were
o testify a month ago — have
ampus with the school year
ad are out of reach.

said angrily that he would
othing to do with an illegal
o court."

25 years of teaching, I've
een anything like this at the
sity, in terms of basic hon-
d decency and due process,"
aid.

after the ACLU threatened
legal action did Penn offi-
y that the hearing would be
after all, to a request by Kors
e case be dropped.

1 Presser, legal director of the

ACLU of Pennsylvania, said he re-
ceived that assurance from Shelley
Green, Penn's general counsel, late
yesterday afternoon.

Brobeck refused to comment on
Kors' account, but said: "Everybody
knows that things have been very
confused. It is my hope that begin-
ning at 8 o'clock I'll be able to get
this thing back on track."

Jacobowitz's case has drawn national
attention, with many commen-
tators holding it as an example of the
excesses of political correctness,
with overtones of *Alice's Adventures
in Wonderland*.

Many black students and faculty
members view it as a test of Penn's
resolve to police "hate speech."

Jacobowitz, 18, from Long Island,
said his studying was interrupted
late the night of Jan. 13 by members
of a black sorority who he said were
making noise outside his dormitory

window.

Some students shouted racial epi-
thets. Jacobowitz says he yelled only:
"Shut up, you water buffalo, and if
you're looking for a party, there's a
zoo a mile from here."

Jacobowitz said he meant no racial
insult, but was probably thinking of
a Hebrew word he had heard count-
less times during his 13 years at
Hebrew day school — *behay-mah*, an
everyday insult meaning "thought-
less person" or "fool."

It also roughly translates as
"oxen," or rougher still, "water buf-
falo."

A judicial inquiry officer, who in-
vestigated the case, found grounds
for racial harassment charges under
Penn's speech code, which forbids
racial epithets meant to "inflict di-
rect injury" on people.

The complainants, whose identi-
ties have been kept confidential by

the judicial office, have not com-
mented on the case.

Jacobowitz rejected a plea-bargain
suggested by the judicial officer:
writing a letter of apology, leading a
sensitivity session on race, and being
placed on probation in the dormitory
system. Under the judicial proce-
dures, he was then entitled to a hear-
ing.

In a related matter, Penn's judicial
inquiry office has opened an investi-
gation into the confiscation of nearly
all 14,000 copies of the Daily Pennsylv-
anian, the student newspaper, on
April 15.

A group of black students said they
took the newspapers in protest
chiefly against a columnist they con-
sidered racist.

Larry Moneta, associate vice pro-
vost for university life, said the
school's Committee on Open Expres-
sion, a student-faculty group, had

concluded that the newspaper sei-
zure violated Penn's open expression
guidelines.

Only one of the students, senior
Khalil Muhammad, is still on cam-
pus, awaiting graduation ceremonies
on Monday.

The others, who have left for the
summer, will be contacted by the
judicial office.

Moneta said that any students
found guilty would probably receive
"an educational sanction" — having
to write an essay, for example. Mu-
hammad, however, said he was told
his diploma would be withheld until
the matter was cleared up.

Muhammad said yesterday that to
be punished for an act of protest
would be unfair. In pursuing the
inquiry against him, he said, Penn
was "bending to outside pressures"
and denying "my right of open ex-
pression."

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