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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
town examination of the issue said, the complainants in the case would bring about 15 witnesses — 20 were testify a month ago — have nothing to do with the school year and are out of reach.

said angrily that he would bring about 15 punishments are out of reach. 

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 epithets. Jacobowitz says he yelled only: "Shut up, you water buffalo, and if you're looking for a party, there's a zoa a mile from here.

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

It also roughly translates as "oxen," or rougher still, "water buffalo."

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

The complainants, whose identities have been kept confidential by the judicial office, have not commented 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 procedures, he was then entitled to a hearing.

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

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

Larry Moneta, associate vice provost for university life, said the school's Committee on Open Expression, a student-faculty group, had concluded that the newspaper seizure violated Penn's open expression guidelines.

Only one of the students, senior Khalil Muhammad, is still on campus, 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. Muhammad, 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 expression."