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SENATE SHOULD REJECT NOMINATION OF SHELDON HACKNEY, CITIZENS UNITED CHAIRMAN SAYS

WASHINGTON, D.C. -- Floyd Brown, Chairman of Citizens United, a 150,000-member citizens' organization, today held a press conference to urge the U.S. Senate to reject the nomination of Sheldon Hackney to head the National Endowment for the Humanities (NEH). Brown cited Mr. Hackney's championship of "political correctness" over the free speech rights of his students, as well as the fact that Hackney was found guilty of misusing federal research money as president of the University of Pennsylvania.

"The mission of the anti-free speech codes at the University of Pennsylvania under Hackney's direction has been to harass and intimidate any student or instructor who dares question the liberal orthodoxy Hackney advocates," Brown said.

Brown appeared with Eden Jacobwitz and Gregory Pavlik, students at Penn who experienced the oppression of Hackney's anti-free speech codes first hand. "Hackney staunchly defended the free speech rights of Louis Farrakhan, a guest speaker on his campus, who delivered speeches filled with racial hatred," Brown said. "But when Jacobwitz called a group of noisy students outside his window 'water buffaloes,' Hackney couldn't have cared less about his right to free speech."

"In addition, Hackney has shown that he cannot be trusted to handle government money in an ethical or legal fashion, as he would be required to do in his new position at NEH," Brown continued. Brown cited a 1989 Congressional probe into the use of federal research grants by institutions of higher learning which showed that Hackney had charged numerous questionable expenses to the government as "research money." "Hackney now stands poised to inherit a \$160 million budget at NEH to promote his left-wing agenda."

The former president of Tulane University has tried to assure the public of his commitment to free speech, but Brown says his record indicates otherwise. "We urge the Senate . . . to reject the nominee as unfit for this important post."

Statement to the Press From:
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My name is Greg Pavlik, and I am a Senior at the University of Pennsylvania. I am giving this statement to reveal to the American public some information that I consider vital with regard to President Clinton's nominee to head the National Endowment for the Humanities, Sheldon Hackney. Dr. Hackney's confirmation hearings begin this morning, where he will be questioned by the Senate Committee on Labor and Human Resources. The following events occurred during the Spring 1993 semester at the University of Pennsylvania; at the time these incidents occurred, Sheldon Hackney was president of the university. He has been president for the last twelve years, and is the principle architect of the current university administration and system.



Last semester, I was selected as an editorial columnist for the Daily Pennsylvanian, an independent student newspaper. In the course of the semester, I wrote a column that was considered controversial due to its questioning of the university's handling of racial matters. Before the column was even published, one prominent member of the Hackney administration had threatened my life if I chose to run the column. The column appeared in the paper, and six days after its appearance, I was informed that I was under investigation for 31 charges of racial harassment based solely on the content of my writing. At this time, Sheldon Hackney was fully aware of what was happening. This was not only a chilling attack on free speech, for it clearly merits the description of intellectual fascism. The action taken by the Hackney administration was also in violation of the written policies of the University. The Hackney administration has a signed agreement with the newspaper that strictly prohibits such an investigation from being initiated, as well as a policy protecting "freedom to voice criticism of existing policies and values," called the Open Expression Guidelines. In their zeal to suppress opinions with which they disagreed, Hackney's minions violated not only my fundamental right to free speech, but also their own policies.

I was informed that if I went to a session (what I call a "hate session") with the 31 angry students that disagreed with my opinions, the charges would be dropped. I declined, and it was not until a prominent faculty member intervened personally that I was

informed that the charges were not going to be acted upon. I labored under the weight of these charges for a month before I received written notice that I was not going to be prosecuted in the University system. During that time, it was requested by the Hackney administration that I participate in a multicultural sensitivity seminar. I declined the offer to be reeducated in a scenario similar to that of George Orwell's 1984.

Then nearly all 14,200 copies of the Daily Pennsylvanian, on the day my last column of the semester ran, were stolen by a faction of campus radicals. This tactic of blatantly suppressing a free press may seem reminiscent of Nazi brownshirts, but, in fact, it simply paralleled the previous action of the Hackney administration in attempting to stifle differing opinions. Predictably, Sheldon Hackney refused to condemn the theft. Instead, he lamented that a conflict between "open expression and diversity" existed. As the only traditionalist of 14 columnists, I remain curious as to what this conflict was. It is obvious that, in Hackney's mind, "diversity" stands for one thing: regimented conformity to his leftist world view. All other opinion is fair game for overt suppression.



Sheldon Hackney once defended open expression when tax payers were being forced to fund graphic homosexual photographs. Yet when a test of his mettle arises, when he is presented with opinion with which he disagrees, he opts for the side of suppression. A candidate for the National Endowment for the Humanities must be fair and even handed, willing to work with a true diversity of opinions and peoples. From my personal experience, I can only conclude that Sheldon Hackney is exceedingly unqualified by these standards. The issue of freedom and free speech should be paramount to all Americans. I urge the Senate Committee to reject the nominee, and I urge the public to let their elected representatives know that they will not stand for heavy-handed authoritarian actions that pervert the vital freedoms which we, as Americans, are blessed.

Statement by Eden Jacobowitz,
Freshman at the University of Pennsylvania
June 25, 1993

Mr. Jacobowitz:

My name is Eden Jacobowitz, and I am a Freshman at the University of Pennsylvania. I am here this morning to tell my story and explain to the American people why I believe Sheldon Hackney's nomination should receive very close scrutiny by the U.S. Senate. First of all, I'd like to say that as an eighteen year old, I voted for the first time this year. I cast my ballot for Bill Clinton, believing, like many others that he was a new Democrat and would bring real change to America. I voted for Bill Clinton to help protect freedom of speech and expression in our country and especially on college campuses.

My story like so many others at Penn reflect the University's and Mr. Hackney's tendency to restrict free speech whenever the voice is not speaking correctly in their view. That is - *politically* correct in their view. As you probably already know on Wednesday, January 13, I shouted "Shut up you water buffalo!" at a group of sorority women who were stomping their feet, shouting and screaming outside my dormitory window at approximately 11:30 p.m. I later learned that because of this truly innocent response to disruptive noise, racial harassment charges had been filed against me. I was in complete shock that anyone had taken my words racially, and I made it clear to the university's judicial officers and to Dr. Hackney that the race of the women was of total indifference to me. I explained that as an Israeli-born orthodox Jew raised on Hebrew, the term "water buffalo" derived from the Hebrew word "behemah" which translates literally into "water oxen" and simply means "foolish person" in Hebrew slang. I do not understand how a university which prides itself on diversity, did not accept *my* culture.

I worked within the University Judicial System and presented the testimony of many witnesses who had heard what I shouted and agreed that the words had absolutely no racial meaning. I even presented testimony from professors at the university who are experts in African American culture and linguistics, stating that the term was not a racial slur. But it soon became

obvious to me that all the evidence in the world could not help me. It did not matter that "water buffalo" had absolutely no racial meaning because the university had chosen me as a scape-goat for those who shouted the truly racist words that night - words that I did not even know had been shouted.

It took four and a half months, or 131 days for the charges to be dropped and Dr. Hackney knew the facts of this case for 130 of those painfully difficult days. I met with him on January 15, where I told him everything that had transpired up to that point. I told him everything that I had said, and also informed him that on the night of the incident the complainants came to my dormitory room and shouted, "You white boy! We are going to get you expelled from school!"

But neither President Hackney, nor his campus thought police found it strange that *I* was under investigation for racial harassment. I did not file counter charges, because I believe in the complainants' rights to freedom of speech, even, indeed especially, when they were angry and annoyed. Since January 13, all I wanted to do was to meet with the complainants and explain to them that I had absolutely no racial intentions, and apologize for shouting something that was at worst, a little rude. But neither the University's Judicial officers nor Dr. Hackney put any real effort into creating this type of friendly and constructive meeting between the complainants and me.

The University of Pennsylvania's Judicial Officers also committed many violations of their policies and procedures at my expense. As outlined in my testimony, at different points in the absurd proceedings the University employed a double standard, placed a gag order on me, prohibited one of my witnesses from testifying, and attempted to create a hearing on a date in which none of my witnesses could be present. My advisor notified President Hackney of every severe violation that had been committed by University Judicial Officials, yet, he did not find just cause for intervention even though it was obvious that I was being tried by a kangaroo court.

As stated in my Senate testimony, on May 28, after the charges were dropped by *the complainants*, (not the University) President Hackney sent a disturbing letter to everyone who had written to him. In his letter, President Hackney tried to convey that many people "do not share the

same sense of crisis and calumny that has been so much in the news." This message is grossly inaccurate. Many noble individuals, primarily alumni, have written me letters expressing great concern, and many have felt compelled to withhold donations from the university. Most students, black and white, including those who organized a free speech rally at the university in early May, have been disgusted by the university's mishandling of the situation.

It is abominable that President Hackney does not share this sense of crisis. Because of serious racial tensions on campus, which should definitely concern President Hackney, an innocent freshman had an entire semester ruined by unjust charges. The Judicial Officers attempted to ruin my future by creating a judicial record for me and adding notations to my transcript. These damaging and very serious charges hung over my head from January to late May and created extraordinarily painful circumstances. The abuses of a grossly imperfect judicial system and the unjust suffering of a student should certainly concern a university president.

President Hackney has continuously asked to allow "the process to run its course." But I gave the process over four months, far more time than necessary, to realize that "water buffalo" was not a racial epithet. This process has taken away something irreplaceable - a semester of my freshman year. I was supposed to learn how to deal with college *students* this year, not college Judicial Officers.

Finally, I would like to make it clear that the real issue here is not racial harassment. The real issue is freedom of speech. I established my innocence from the beginning. The reason this case was able to drag on so long is because the university has a speech code limiting the Constitutional rights of students. By the standards of that speech code, I should have been found innocent. But because it was in the hands of incompetent and cruel judicial officers and an apathetic University President, my future was almost ruined.

Thank you.

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SETTING THE RECORD STRAIGHT

January 13, 1993

On Wednesday night, January 13, between eleven P.M. and midnight, members of the Delta Sigma Theta sorority were assembled outside my window stomping their feet, shouting, screaming and singing. In response to the unusually loud noise while I was trying to study and my roommate was trying to sleep, I waited twenty minutes and shouted "shut up!" The noise did not cease so I shouted "Shut up you water buffalo," and since the women sang about "looking for a party," I said "If you're looking for a party there is a zoo a mile from here." This is all I shouted.

The women, who later brought charges against me, entered the building and were directed to my room by 3 women on my floor who heard what I had shouted and who testified that it was not racial. I was not in my room at the time, but the complainants still proceeded to shout at my roommate "You white boy! You white boy! We are going to get you thrown out of school!"

On the same night, the complainants brought their racial harassment charges and the police immediately began an investigation in the dormitory. I was visiting the room of the women who heard me shout out the window when there was a knock on their door. The police had arrived to ask questions. They police did not approach me, so I walked up to them, knowing I had not done anything wrong, and volunteered my information to them. I told them what I shouted, but I certainly did not think they were there to investigate my actions.

January 14, 1993

The next morning at approximately 10:15 AM Detective Forsythe of the University Police knocked on my door and asked me to come with him for questioning at campus police headquarters. I skipped class, and went with him, telling him the entire story. I also asked him whether I would be able to speak with the women to tell them that I had meant nothing offensive when I shouted "water buffalo." He told me this might be a possibility later. But I thought the quickest solution to any "problem" would be to allow me to speak with the complainants. Later that day, I was shown a police list containing all the words the complainants claim that they heard from all the many windows. Nothing on that list matched what I actually had said. I thought that in a rational judicial system that if I proved I never said anything on that list, and explained that I never meant anything racial, the charges would be dropped. But this system, which President Sheldon Hackney promulgated and defended, was anything but fair and rational.

January 15, 1993

On January 15, I approached President Hackney after an informal question and answer session he was holding at the Hillel Organization, where I take my kosher meals, and I told him my entire story. I told him everything I had said, and everything the complainants said, and that now I was under investigation

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for racial harassment. I asked him for help because I had been told by a professor that cases labeled "racial harassment" by the University tend to become big cases proceeding longer than usual, only because of that label. He had the opportunity at this early stage in the process to obtain the information about the case and to make sure justice was carried out quickly. But he never offered assistance, even when the judicial system had failed and the process had been violated. When the University newspaper interviewed President Hackney they asked him "Couldn't you... encourage them to settle [the case] and throw it out, way back when- when you heard about it?" And he responded "But I don't even remember now when I heard about it. I don't normally get involved." I could not believe that he did not remember that I approached him on January 15 and poured my heart out to him about how alarmed I was about this incident.

January 19, 1993

On January 19 I received a letter from Robin Read notifying me that a complaint had been filed against me. It also indicated that I would have to schedule a meeting with Robin Read immediately.

January 26, 1993

At approximately 9 AM I met with Robin Read with my first advisor, Dr. Francine Walker, Director of the Office Student Life at the University, at my side. At this meeting I made it clear to Robin Read that I had absolutely no racial intentions when I shouted "water buffalo." I also repeatedly explained that water buffalo was simply a reference to the noise, and I asked once again to meet with the complainants. Both Robin Read and my first advisor, her colleague in the Division of University Life, insisted that this meeting would not be a good idea. But I strongly disagreed. I feel that if I had been allowed to speak with the complainants from the beginning, this case would not have lasted longer than a few days. But with the reluctance of the judicial officer to set up this meeting along with President Hackney's reluctance to intervene, all communication and "exchange of ideas" was obstructed. President Hackney, in a letter he has sent responding to the issue refers to "the supportive community we seek to create at Penn." But how can we have a "community" where one student is not permitted to talk to his accusers in a peaceful, friendly setting?

Racism was the furthest thing from my mind when I shouted out the window. When Robin Read shockingly asked me if my thoughts were racist when I shouted, I made that point completely clear. Yet she still proceeded with these absurd charges and allowed them to remain for over four months. This is an extraordinarily long time to decide whether a word like "water buffalo" is racial. For an Israeli-born orthodox Jew raised on Hebrew, using the word "behemah," which means "water oxen" literally and "foolish person" in slang, is certainly not a racist act. In addition animal references, commonly used when people are making noise at a University, should certainly not

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be labeled racist. Indeed, one of the most famous animal references, "Animal house," is the title of a movie about noisy, predominately white fraternity boys, and was certainly not considered racist. At Penn the dormitory most commonly called a "zoo" is a noisy and predominately white dorm. Knowing all this, President Hackney should have intervened, or at the least, should have demanded that the judicial office speed the trial up and make a final decision by a certain date, not to prolong my ordeal.

January 26-March 22

From January 26-March 22 the investigation by Robin Read continued. It was a period during which we had several meetings. I felt that she had certainly collected enough information to vindicate me. I asked on numerous occasions to meet with the complainants to apologize for my unpleasant words and to tell them that the only reason I shouted was because they made extremely loud noise. But after I asked for a meeting numerous times the judicial office finally presented the idea to the complainants and they rejected it.

March 10-26

During this period I met with Robin Read twice. In the first meeting she notified me that she decided that I had violated the Racial Harassment policy based on her incorrect assumption that "water buffaloes are dark primitive animals that live in Africa." She also told me that it did not matter what I meant when I shouted out the window and that all that mattered was how the women interpreted what I said. This also should have been grounds for President Hackney's intervention because it was completely contradictory to the judicial policy that states that the words have to be intended by the speaker "only" to "inflict direct injury" in order for them to be classified as racial harassment. She then proposed a completely unfair settlement which I could agree to instead of a hearing. If I agreed to (1) apologize for racial harassment (2) conduct a racial sensitivity seminar in my building (3) allow myself to be placed on dorm probation where any violation of dormitory rules would lead to eviction and (4) Allow the judicial office to create a judicial record for me that would be shown to certain graduate schools- then this case would have ended in March. A week later at the second meeting Robin Read notified me that because of President Hackney's call for tough racial harassment policy she decided to add another provision to my settlement: (5) I would have a temporary notation on my transcript (till the beginning of my junior year) stating "violation of racial harassment code and code of general conduct."

I asked her "How can you do this? Does this mean that you're allowing political pressures to dictate how you handle an individual case with individual facts? How can you treat my case like a general symbol of harassment when you would be ruining my individual life?" And she simply responded that when devising a settlement she has to keep in mind the needs of the University and what the complainants feel is a fair

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punishment. President Hackney also did not conclude that this was grounds for ending the proceedings against me.

March 26-April 22

After several futile attempts to negotiate with Robin Read, I of course rejected the settlement. Come what may, I was completely innocent of any racial intent. I also found a new advisor, Dr. Alan Charles Kors, a history professor at the University, whose name I had seen in the school newspaper. The article I read referred to him as a "champion of freedom of speech." Dr. Kors, correctly described by that article, began to question experts in African culture and linguistics about the meaning and connotations of the term "water buffalo." He found several professors who were willing to testify that the term was not a racial slur, and several willing to testify to its' meaning in my native Hebrew. He presented Robin Read with the testimony of these witnesses and asked her if she would investigate this new evidence and consider dropping the charges. She agreed to investigate this new evidence, but after approximately a week and a half, with our trial rapidly approaching, Dr. Kors spoke to two of the professors and found that Robin Read had never even called them to investigate their expert opinions on the term.

When the April 26 hearing was in the process of being scheduled my advisor called the judicial administrator, Dr. John Brobeck, and notified him that he had an academic conference in San Diego during that week. Dr. Kors asked what possible hearing dates could be proposed and Dr. Brobeck said "April 26 is the only possible date." Dr. Brobeck made it clear that even if Dr. Kors could not make it the trial would go on. But on April 23 the original hearing date (April 26) was postponed because the complainants' advisor left them telling them they had no case and advising them to drop the charges. I was amazed at the double standard employed by the University in this case. The University would not postpone the case if my advisor could not make it, but readily postponed it when the complainants lost their advisor. This occurred even though there were charges hanging over my head for an entire semester, and even though the complainants, who had made disruptive noise and who had used the term "white boy" an obvious racial epithet, were not even subjected to an investigation. I did not file counter-charges, because I happen to believe in their freedom of speech, even, indeed especially, when they were angry and annoyed. My advisor and I were fully prepared for a hearing on April 26. We had 20 witnesses students, faculty, and staff, fully prepared to testify for me on that date. By withdrawing from the case, the complainants forced the case to be pushed passed finals week which began on April 28. I had to postpone two finals in the midst of this ordeal. It was they, not I, who pulled out from any hearing.

My advisor called President Hackney's office to notify him about these major violations of procedure and to request that the charges against me be dropped because of the many

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procedural irregularities. Dr. Kors spoke to Steven Steinberg from the President's Office who explained the details of the case to the President. But Dr. Hackney responded that there was no cause for intervention even though he was now well informed about everything that had transpired.

May 3, 1993

On May 3, I was notified that a new hearing was to be scheduled for May 14. Along with many University administrators, the president has always claimed that the Judiciary was completely independent. At one point we had received the word of the judicial administrator that this hearing on May 14 would only be a discussion of the dismissal of charges without any witnesses. He decided that it should not be a full hearing because our original hearing that was scheduled for April 26, when we had 20 witnesses prepared to testify on my behalf was, in the words of a top University official- "wrongly postponed," and now my witnesses were dispersed. But on the night of May 12, at 10:30 PM, only 33 hours before the scheduled hearing, University officials forced the judicial administrator to go back on his word making him change the meeting to a full hearing. Now 33 hours before the new hearing date, with all our witnesses whom we had been told not to bring, gone on summer break- We were instructed to "do [our] best." This was a blatant interference with the so-called independent judiciary, and my right to due process. The University only agreed to honor its word after The American Civil Liberties Union of Pennsylvania and Sonia and Arnold Silverstein, my pro-bono lawyers, threatened to go to court and seek an injunction against this kangaroo hearing.

Soon after, Dr. Kors and I were notified that the University's lawyers would not allow one of my main witnesses, my first advisor, Dr. Fran Walker, to testify about a critical settlement hearing in Robin Read's office- the evidence of which clearly would have established my innocence, and which Dr. Walker had twice confirmed by telephone to Dr. Kors. All these severe violations of due process did not appear to concern the judicial office, the University's administrators, or President Hackney. I truly believe that if I did not expose this incident to the public the scape-goating would have continued and the judicial system would have ruined my future without anyone knowing about it.

May 14

On May 14, the hearing for the dismissal of charges took place. At this hearing Dr. Kors and I were allowed to speak for only a fraction of the time allotted to the complainant's side. We were also warned by the tribunal consisting of three faculty members, one graduate student and one undergraduate all chosen by the judicial office, that we were not to speak about the case to the press anymore. They had placed a "gag order" on my advisor and me. Within hours we held a press conference at the offices of the ACLU with my lawyers present

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as well, notifying the public about this gag order. Later that evening we received a call from University officials claiming that there never really was a gag order and notifying us that this gag order was lifted.

May 24

On May 24 the University published the findings of the tribunal of the May 14 hearing. The University decided to proceed with the case in the fall. But in a surprise press conference the complainants decided to drop the charges because they felt that they could not get a fair trial within the University's corrupt judicial system.

May 28

On May 28 President Hackney began sending a disturbing letter to everyone who had written to him. He claims that there have been many inaccuracies and distortions in the press. I would like to make it clear that I have always been completely honest with the press, presenting the evidence as accurately as I could. I believe that he and his politically correct counterparts did not care that a student was unjustly accused of racial harassment.

In his letter President Hackney has tried to convey the impression that many people "do not share the same sense of crisis and calumny that has been so much in the news." First of all, this message is false. Many noble individuals, primarily alumni, have written me letters expressing great concern, and many have felt compelled to withhold donations from the University. Most students, black and white, including those who organized a free speech rally at the University in early May, have been disgusted by the University's mishandling of this situation. Second of all, it is abominable that President Hackney does not share this sense of crisis. Because of serious racial tensions on campus which should definitely concern President Hackney, an innocent freshman had an entire semester ruined by unjust charges. Robin Read attempted to ruin my future by creating a judicial record for me and adding notations to my transcript. These damaging and very serious charges hung over my head from January till late May and created extraordinarily painful circumstances. The abuses of a grossly imperfect judicial system and the unjust suffering of a student should certainly concern a University President.

President Hackney has also provided false information regarding the policies and procedures, by referring to the press reports as "one-sided media coverage that our current charter permitted." The current charter clearly allowed the complainants to respond the moment that I stepped forward, and at their press conference the complainants finally exercised that right. The President of a University should accurately present the judicial policies when writing to such a large group of concerned individuals.

President Hackney has continuously asked to allow "the process to run its course." But I gave the process over four months, far more time than necessary, to realize that water

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buffalo is not a racial epithet. This process has taken away something irreplaceable- a semester of my freshman year. I was supposed to learn how to deal with college students this year, not college judicial officers.

Finally I would like to make it clear that the real issue here is not racial harassment. The real issue is Freedom of Speech. I established my innocence from the beginning. The only reason this case was able to drag on so long is because the University has a speech code limiting the constitutional rights of students. By the standards of that speech code I should have been found innocent, but because it was in the hands of incompetent and cruel judicial officers my future was almost ruined.

Gregory Pavlik on Sheldon Hackney

Comments for the Senate:

I must say frankly, and from the start, that I am unequivocally opposed to the conformation of the nominee Sheldon Hackney. I have witnessed the repression that occurs at the University of Pennsylvania both from a distance and also first hand. Under the administration that Hackney has personally crafted over the last twelve years, the community of the University of Pennsylvania is quite literally one that is subject to a reign of what can only be described as intellectual fascism. Individuals at Penn are systematically subject to threats and harrassment under the auspices of "tolerance." While proclaiming the munificence of "diversity", the minions of Sheldon Hackney have made it their business to actively silence voices with which, for whatever reason, they disagree. Sheldon Hackney has by no means been in the dark with regards to what has happened at the university. In fact, he has been the principle architect of what the University of Pennsylvania has become.

My first encounter with the tactics of the Hackney administration occurred in February 1993. I am a editorial writer for the Daily Pennsylvanian, an newspaper that is wholly independent from the school. I was doing investigative work for a column that was scheduled to run the next day. I contacted a prominent member of the Hackney administration to confirm details for my coming essay, which dealt with the issue of racial double standards at Penn. At the end of the conversation, I was told that if the information I brought up appeared in the paper, "you're dead." The column was subsequently published, and seven days later I was awakened at my home by a phone call from Catherine Schifter, the acting Judicial Inquiry Officer for the University of Pennsylvania. Ms. Schifter informed me that there were 31 charges of racial harrassment filed against me based solely on the fact that I had written unpopular opinion, and that I was under investigation by the university. I asked Ms. Schifter why, and her only retort was, "you need to ask?" Then came one of the most Orwellian statements that I have ever heard. Ms. Schifter intimated to me that if I were to sit down in a session with the 31 students that had taken offense to my column and open a dialogue, the charges might be dropped. The thought of participating in a "hate session" to be accused of harboring incorrect thoughts and to be vilified by 31 angry students in order to be granted absolution for disagreeing with them is perhaps one of the most blatant and chilling attempts to stifle free speech and a free press that I have ever heard of. The alternative

was to face a court system that could have rendered a decision of expulsion. According to his own administration in future conversations, Sheldon Hackney was fully aware of what was happening from the start.

This is not only a case of zealots trying to suppress free expression at the university, it was also a violation of the policies of the University of Pennsylvania. The university has a signed agreement with the paper that stipulates that no students will be prosecuted by the judicial system based on the content of their writing. This was willfully violated by the Hackney administration, with Hackney's knowledge. The University of Pennsylvania also has a policy called the Open Expression Guidelines which state that, "The freedom to voice criticism of existing practices and values are fundamental rights that must be upheld and practiced by the University in a free society." This too had to be willfully violated by the Hackney administration.

After the intervention of a prominent faculty member, I was told that the charges were going to be dropped, although it was a month before I was notified in writing that the investigation was going to be ended. In the meantime, I was then invited to a "multicultural" sensitivity seminar, where I would presumably confess my sins. Carrying a full engineering load and coping with the onslaught of the Hackney administration has been one of the least pleasant experiences of my life.

The next experience I had with the Hackney administration occurred when a contingent of campus radicals seized and disposed of nearly all 14,200 copies of the Daily Pennsylvanian, on the day that my last column of the semester ran. Of course one would expect condemnation of tactics that are so reminiscent of those used by Nazi brownshirts. Sheldon Hackney, however, was only bold enough to say that there existed a "conflict between open expression and diversity." He did not condemn the theft! I also am not sure why my opinions are not considered to be a part of that vaunted diversity, as I am the only conservative writer on the paper. The other thirteen columnists were decidedly oriented to the left. Once again, and this time in person, the message of Hackney's regime was simple: If we disagree, you do not have the right to speak or think freely.

The nominee has sent out letters to those concerned saying that people do not know the whole story. This is correct. If people understood the gravity and depth of the intimidation and atmosphere of oppression that has been created, the whole story of what Hackney's administration has done, there can be no doubt that they

would have reacted even more strongly than they have. Penn is a campus where students look over their shoulders before they speak, for fear of being overheard and disciplined. It is also a campus where friends whisper while walking from class to class, for fear a politically incorrect phrase will cause them to be detained, and reprogrammed.

The post of the National Endowment for the Humanities should be open to a qualified scholar who will proceed with good judgment and fairness. On these counts, based on personal experience, I know that Sheldon Hackney is not qualified. The damage he has done to me, and to the campus community is immeasurable. Sheldon Hackney is ready and willing to play favorites and to dump on those with whom he simply disagrees. Our university has no place in a free society, and Hackney's vision which shaped the university must not be extended to the country as a whole. Please consider carefully your decision, for your choice will not only shape national policy, it will help shape the policy of university's across the country.



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City Edition

Hackney breezes through hearing

Stiff opposition never materialized. Easy approval of his NEH appointment is expected.

By Steve Goldstein
INQUIRY WASHINGTON BUREAU

WASHINGTON — Telling a Senate panel that he had been a victim of "slander by slogan," University of Pennsylvania president Sheldon Hackney yesterday rejected charges that he had sacrificed free speech on the altar of political correctness.

"I'm not just a cardboard figure," Hackney said. "I've spent my career defending free speech."

By their comments, the members of

the Senate Labor and Human Resources Committee appeared to agree, and Hackney is expected to win easy approval by the panel when it votes on his nomination to head the National Endowment for the Humanities next week, probably Wednesday.

At the same time, Hackney admitted during the hearing that he did not adequately defend freedom of expression in an infamous

campus incident involving the seizure of a student newspaper.

Hackney also said he now thought that college speech codes enforced by punishment from a judicial review board were "counterproductive" and that he would recommend such procedures be scrapped.

Relief was writ large on the face of the 59-year-old Hackney as he accepted congratulations from family and friends after the three-hour hearing.

"I enjoyed it; it went well," said Hackney. "I didn't think I was going to enjoy it."

"I was really interested in how probing the questions were — which I preferred, because it gave me a chance to respond in some detail."

See HACKNEY on A6



Sheldon Hackney told senators he had always been a defender of free speech.

Opposition never materializes; Hackney sails through hearing

HACKNEY from A1
about what I have done and what I believe in."

Perhaps the senators were grumpy from the debate on President Clinton's budget that had ended in the wee hours yesterday, but the anticipated fright on political correctness did not materialize.

Instead, there was a mild skirmish over how issues of diversity could be accommodated within free expression in a university setting.

"There are no victories for diversity that can be bought with a loss of freedom," cautioned Sen. Daniel R. Coats (R., Ind.), perhaps Hackney's sternest interlocutor.

Hackney also asserted that as head of the grant-making NEH he would be careful in spending taxpayers' dollars on controversial academic scholarship.

So formidable was Hackney's mastery of the issues that his wife, Larry Jenkins Durr, overcame her early anxiety and did not feel the need to employ a pair of earplugs given to her by a friend outside the hearing room.

One said, "I might get mad." The other, "I might get even."

After his introduction by two Pennsylvania Democrats, Sen. Harris Wofford and Rep. Thomas M. Foglietta, Hackney was tested primarily by Coats and his conservative Republican colleague, Orrin G. Hatch of Utah.

The Penn president, whose resignation is effective Thursday, said it had been a "long and very painful spring" for the university and himself.

Two events produced that pain. First, the celebrated "water buffalo" case, involving freshman Edon Jacobowitz's application of that term to some noisy black

women partying outside his dormitory window.

Then came the confiscation of the full press run of the *Daily Pennsylvanian* by some black students who were angered by the published commentary of student columnist Gregory Pavlik.

Both Jacobowitz and Pavlik were in Washington yesterday to participate in a news conference organized by Citizens United, a conservative lobbying group that opposes the Hackney nomination.

Jacobowitz, while highly critical of Penn's judicial process — "campus thought police," in his words — said he would leave the issue of Hackney's confirmation for the Senate to decide.

Pavlik opposed the nomination outright.

"I think that Hackney has shown bias and will carry it over to NEH," Pavlik said. "He has a tendency to kowtow to the left."

Under questioning by Coats, Hackney said he got involved in the Pavlik case by telling a judicial inquiry officer that it was "absurd in the extreme" to charge the student with racial harassment for expressing his opinions in the newspaper.

Those charges were ultimately withdrawn.

As for the seizure of the papers, Hackney conceded that his statement that two values, diversity and open expression, "seem to be in conflict" was unfortunately open to misinterpretation.

"If I could rewrite it, I would remove the ambiguity," Hackney said. "I would have liked to say it more strongly, that free expression is the paramount value."

In the Jacobowitz case, Hackney said he did not recall being asked by the student to intervene on his behalf on Jan. 13, two days after the

incident occurred.

Although he wanted the judicial process to take its course — intervention by him "would have thrown the university into turmoil," he said Hackney requested that it dragged on so long. Charges against Jacobowitz were dropped by the complainants in May.

What else had he learned?

"Though I believe civility is extremely important on campus, I believe it is a mistake to try to enforce that with punishment meted out in a student adversarial process," Hackney told Hatch.

"I think a speech code with judicial punishment is counterproductive."

Only once did Hackney appear to drop his courtly manner, when Coats said that Hackney's nomination was important in serving to air the issue of political correctness.

"If I can be of some service to the nation in stimulating an important debate, that's good," Hackney said. "But I resent utterly being victimized by slander by slogan."

Hatch, while contending that the real victim of political correctness was conservative thought, announced that he would support Hackney's nomination and appeared to enjoy fencing with the Penn president.

Noting Hackney's outreach work with the West Philadelphia community, Hatch said, "And the University of Pennsylvania isn't in the elite section of Philadelphia, is it?"

"It's an urban garden, sir," Hackney said.

"If I was a university president, I might feel the same way you did," Hatch said.

"It's easy to criticize. And I'm not trying to give you an easy time here," said the senator, triggering laughter in the hearing room.

Washington Post
July 6, 1993

Richard Cohen

Sheldon Hackney's Dangerous Balance

Gregory Pavlik is not my cup of tea. The 21-year-old former columnist for the University of Pennsylvania's student newspaper is a mighty conservative young man. He thinks Martin Luther King is unworthy of a commemorative holiday and does not like affirmative action one bit, especially as it has been applied at Penn. Some who have read him regularly say he's an acolyte of Pat Buchanan—one of those guys who punctuates his writing with a sneer.

Pavlik is about to become famous. He figures in the controversial nomination of former Penn president Sheldon Hackney to be chairman of the National Endowment for the Humanities. Pavlik's columns so infuriated many of Penn's black students that in April they seized the entire press run of the Daily Pennsylvanian and trashed all 14,200 copies of it. In letters and statements, the black students explained why—their feelings had been hurt.

Hackney understood. He condemned the seizure of the newspaper but commiserated with the black students. "Two important university values now stand in conflict," he said in a statement released after the papers were trashed. One was freedom of the press, and the other was Penn's attempt to make minority students feel "comfortable." Penn must uphold "freedom of expression as the supreme common value," Hackney wrote, but it must also become "a diverse and welcoming community." With that, he took no action against the students who had seized the newspaper.

The statement falls only a tad short of the outright supine. It is hardly a ringing defense of the First Amendment—a constitutional right, not a "value"—nor a vociferous condemnation of what amounted to a fascistic snit. The balance that Hackney attempted—he twice referred to the "pain" felt by the black students—is a bogus one. It's immaterial that someone's feelings were hurt.

What matters is truth or, at minimum, the attempt to get at it. This is what a university is all about. After all, opposition to affirmative action is hardly limited to white racists. Arthur Ashe was similarly disposed. As for the suitability of Martin Luther King as a national hero, I happen to disagree with Pavlik—but so what? The offended black students ought to ask themselves what would have happened if King's speeches and writings—offensive to many whites at the time—were censored. Freedom of the press is not

a protection afforded the press; it's a protection afforded the people.

The black students seemed not to appreciate that point. Fine. They are young, and angry and have little historical perspective. That's where the university steps in. It is a custodian of our culture. Its role is to instruct, to show that a bad idea is rebutted by a better one—not by what amounts to violence. Bruised egos are often the collateral damage, as the Pentagon might put it, of a frank exchange of ideas. But in a letter to the Philadelphia Inquirer, 202 black students and faculty members expressed only one concern: Their feelings were hurt, and they did not feel welcome on campus.

Hackney's tour de force in other-handedness, coupled with some other genuflections in the direction of political correctness (his passive acceptance of speech codes, for instance) has made him the target of conservatives. This leaves me perplexed: How did conservatives become the sole guardians of our First Amendment rights and intellectual inquiry in general?

The answer is this: Too many liberals, steeped in a knowledge of racial injustice and its consequences, have crossed the line from empathy with the plight of minorities to a sympathy for whatever they do. I understand what the black students are saying, but my empathy with their wounded feelings does not extend to sympathy for their actions. The kind of "pain" Hackney mentioned is not life-threatening and is subjective. As any newspaper reader knows, pain—along with the comics—is part of the package.

Sheldon Hackney is a virtuous man, the personification of a cliché: both a gentleman and a scholar. But his nomination to a prestigious federal post presents liberals with the opportunity to assert that the values they held dear during the McCarthy period and Watergate, the ones they fought for when the government abused its power during the Vietnam era or, to be almost quaint, when it censored books and movies, are still part of our ideological creed.

Hackney's refusal to vigorously condemn the seizure of the paper and to punish the offending students creates an insurmountable hurdle to his nomination. A longtime civil rights advocate, he meant well, but by being so solicitous to the black students, he patronized them as people and failed them as their teacher. He is an odd choice for a post whose title contains the word "humanities." In fact, he is the wrong choice.

Tuesday, June 22, 1993

OPTIONAL FORM NO. 10-80

FAST TRANSMITTAL

of pages 1

To: Nestor D	From: MARTHA C
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GENERAL SERVICES ADMINISTRATION	

A Dependence on Trust and Civility

■ Campus life: Clinton's nominee to head the Humanities Endowment is unfairly blamed for a university war of words.

By THOMAS EHRLICH

Controversy is nothing new at the National Endowment for the Humanities, but the attacks that University of Pennsylvania President Sheldon Hackney is likely to face as President Clinton's nominee to head the endowment are bound to be misleading and undeserved.

Taking a stand for dialogue and decency is a major role of university presidents. Often we find ourselves smack in the middle of a high-decibel war of words. That happened to Hackney when the term *water buffalo*, construed by some as a racial slur, targeted his institution as an ideological battleground.

Penn, like other college campuses, was caught up in a frenzy where the combatants were the "politically correct" left and the "libertarian" right. The protagonists trashed each other, the institution and the institution's leader.

Most often, such spectacles play out within campus boundaries. But occasionally, the cudgels are taken up by mercenaries on the national scene. Actual facts are

treated as irrelevant in the heat of charge and countercharge. What each side wants is for the president to declare its cause victorious, without benefit of the complex procedures necessary to protect their right of protest.

During the "water buffalo" incident, some students claimed that the name-calling was in violation of the Penn student code, and a student judicial process was set in motion.

Campus codes for resolving charges of sexual and racial harassment are complex and not handled very well. That's not surprising. After all, our country has been trying to make its legal system work smoothly for more than 200 years, with only uneven results. No college or university president should interfere with the student judicial process, any more than a corporate CEO should interfere with an employee grievance procedure or a governor with a grand jury investigation.

Unfortunately, that common-sense ethic of management has been lost in the sound and fury. Across the pages of countless newspapers, blasts have appeared that blame Hackney for the incident, for the fact that it was referred to a student judicial process and for the reality that the process took time. In the end, the students who brought the grievance dropped it, though not without a parting shot or two of their own.

Just before this incident, Hackney was nominated as chairman of the endowment. He is in all respects an ideal candidate. As a superb teacher, he will strengthen the endowment's principal purpose of educating Americans in our humanistic traditions.

He understands that the humanities must take the long view, for there are no final answers to the questions they ask. Yet three questions are the most important with which we must grapple. Key are a sense of civility and decency; a keen mind always open to new approaches and a firm moral compass.

These are the very qualities of mind and heart that define Sheldon Hackney. As a historian, he has sought coherent meaning in the complex happenings of the American past. He brings to that inquiry a strong moral dimension and a caring concern for the impact of historical events on individual lives—the same concern that guides him as a university president.

Hackney personally represents the opening words of the Penn policies on harassment that he promulgated five years ago: "Our community depends on trust and civility. A willingness to recognize the dignity and worth of each person at the university is essential to our mission."

Thomas Ehrlich, provost at the University of Pennsylvania from 1981 through 1987, is president of Indiana University.

Humanities nominee defends his views

■ Sheldon Hackney has been at the center of the debate on political correctness. But he says his actions have centered only on defending free speech.

By KARL VICK
Times Staff Writer

WASHINGTON — Saying the debate was important but that he did not deserve to be at its center, University of Pennsylvania President Sheldon Hackney on Friday made his reply to the "politically correct" label.

Hackney told a Senate committee that he has made a career of resisting orthodoxy of both the left and right and that he would do the same if confirmed as chairman of the National Endowment for the Humanities.

"I have spent my career making sure I was centered even though I was being buffeted by pressures. I think that's what a university president does," Hackney

told members of the Senate Labor and Human Resources committee considering his nomination.

"I think I can assure you that, if I am the chairman of the NEH, I will be doing the same thing there."

The humanities endowment distributes less than \$200-million annually in grants for academic researchers. But its choices "set the tone" for American liberal arts scholarship.

Republican Bill Bennett made the chairman's position a bully pulpit against liberal dogma. Conservative activists have cast Hackney's nomination as a referendum on their perception that leading U.S. colleges such as Penn enforce political correctness, or rigid liberal doctrine.

"If I can be of service to the nation by stimulating an important debate, that's a good thing," Hackney said, of the subject that dominated Friday's hearing. "But I

must say, I resent bitterly being victimized by slander by slogan. . . .

"I am not just a cardboard figure. I am someone who has spent a career defending free speech, and I would do the same at the NEH."

As Hackney spoke, a member of the conservative Christian Coalition, wearing a button with the letters P.C. in a slashed circle, took notes without looking up. Two rows away, a young man in a suit and embroidered yarmulke paid close attention.

His skullcap read "Eden," for Eden Jacobowitz, the Penn student who shouted "water buffalo!" at a group of noisy black students below his dormi-

tory window. The words — his translation of a Hebrew term for rude people — got him hauled before a disciplinary board for violating Penn's speech code.

Hackney testified that the code aims to preserve "civility" on campus so that



Hackney has weathered controversy as Penn's president.

students can engage in the wide-open debates a university must foster. But the prosecution of Jacobowitz — which Hackney said he would have tried to head off had he known of it early enough — led Hackney to believe speech codes should not be enforced by judicial committees such as the one he approved in 1988.

The nominee also acknowledged a mistake in his other major controversy. When a group of black students trashed 14,000 copies of the campus newspaper because they felt one of its columnists has shown disrespect, Hackney responded with a statement that "two important university values, diversity and open expression, seem to be in conflict."

His law school faculty said Hackney was wrong: Open expression is an absolute.

"I think your statement could have been a little less mushy," said Sen. Orrin Hatch, R-Utah.

No vote was taken Friday. But Hackney, saying he was impressed by Hackney's responses, predicted approval by both the committee and the full Senate.

World

P. 5

Bosnian warns of terrorism

By Linnet Myers
Chicago Tribune

ZAGREB, Croatia—Bosnia's vice president warned Friday that terrorism could result if peace negotiators sell out Bosnia by allowing it to be broken into mini-states.

"If the international community decides to finish with us, terrorism will start all over Europe," Ejup Ganic said in Sarajevo. "We have a million Bosnians now in Western Europe," he said, and their bitter disillusionment could lead to disaster.

If the current plan to partition Bosnia is agreed on, "we'll continue to resist and, of course, we'll be dying," Ganic said.

He and Muslim President Alija Izetbegovic refused to come Friday to Zagreb, where other members of Bosnia's collective presidency were meeting. Although he and Izetbegovic have refused to consider the latest peace plan, others in the presidency say they must.

"We can't immediately reject the idea," said Miro Lasic, a



Bosnian Croatian boys peer out from behind a barbed-wire fence inside the French-controlled UN compound at Kakanj, Bosnia, Friday.

Croatian member of the multiethnic presidency, as he entered the meeting. "The important thing is to stop hostilities."

But even those members who attended the meeting seemed split on whether Bosnia could possibly accept the plan, which would divide Bosnia into three ethnically based zones. Serbs and Croats proposed the plan last week in Geneva, and it would mean the death of Bosnia as a multiethnic, sovereign state.

"I will not be able to sign the plan, which will legitimize genocide and ethnic cleansing," Ganic said.

Under the proposal, Serbs, who now control about 70 percent of the country, would get the largest segment of Bosnia, and Croats

would get a portion that borders on Croatia.

Analysts say it's likely that Serbs and Croats would then quickly vote to join their mother countries, taking most of Bosnia's territory with them.

The presidency members—minus Izetbegovic and Ganic—were planning to meet with European Community leaders in Brussels.

The Croatian leader of the Bosnian presidency, Franjo Boras, also met here Friday with Victor Jackovich, the new U.S. ambassador to Bosnia. Leaving the meeting, Jackovich said he put no pressure on Boras one way or the other, and still hopes the United Nations will lift the arms embargo for the Muslims.

Meanwhile, the parliament in Belgrade elected a new Yugoslav president to replace Dobrica Cosic, who was ousted June 1. He was replaced by Zoran Lilic, an ally of Serbia's powerful president, Slobodan Milosevic.

JUN 26 '93 01:06AM CHICAGO TRIBUNE

Speaking of Free Speech ...

NEH Nominee Hackney Calms the Conservatives

By Jacqueline Trescott
Washington Post Staff Writer

In his first public Washington appearance, Sheldon Hackney, the administration's nominee to lead the National Endowment for the Humanities, told a Senate panel yesterday that he had been personally maligned in discussions that followed two controversial events at the University of Pennsylvania. But he added that he wished he had used "stronger words" in stating his own position on the issue of freedom of speech.

"I resent bitterly being victimized by slander by slogan," said Hackney. For the past 12 years Hackney has been president of Penn, an Ivy League campus in Philadelphia that since January has been a mirror

of the national debate on freedom of expression. The incidents on campus made national news and gave conservative groups ammunition to oppose Hackney's nomination.

"I'm not just a cardboard figure. I am someone who's spent a career defending free speech and will do that at the NEH as well," he said.

The three-hour session in front of the Senate Labor and Human Resources Committee was marked by gracious introductions and friendly and firm questioning. Most aggressive in questioning his actions at Penn were Orrin Hatch (R-Utah) and Dan Coats (R-Ind.). But by the end of their lively exchange, Hatch announced he backed the nomination, giving hope to

See HEARING, B3, Col. 1

Melanne -
Through a short grapevine, I heard that the New Republic is planning to do a hatchet job on Sheldon Hackney. The woman writing the article is an intern named Ruth Shalit. I don't know if there's anything to do, but I thought you might want to know.

- Cameron
Fri. 3pm

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NEH Nominee Questioned

HEARING, From B1

Hackney's supporters that the conservative effort to label the historian "the pope of political correctness" had run out of steam.

"I can see where it will be impossible to reject you in the Senate, you have such a way with words," said Hatch. Afterward, Coats said he was "continuing to evaluate" the nomination, but Nancy Kassebaum of Kansas, the committee's ranking Republican, said she was firmly on board. A vote hasn't been scheduled for the nomination yet, but yesterday's events clearly signaled that the committee would send it on to the full Senate.

A turning point seemed to be when Hackney said that he had made some mistakes and that the campus judicial process, which is independent of the university president, should be changed. He said that the university's speech code was "misapplied" in the case of a student who yelled what was considered by some a racial epithet.

"I hope so," said Hatch, when Hackney said the process needed to be revamped. "Something has to be done about the outrageous approach to political correctness."

Although Hatch kept reading from an editorial in yesterday's Wall Street Journal condemning Hackney, the conservative politician said he was sympathetic to the dilemmas college presidents face. He added, however, that he thought some of Hackney's prior statements were "mushy."

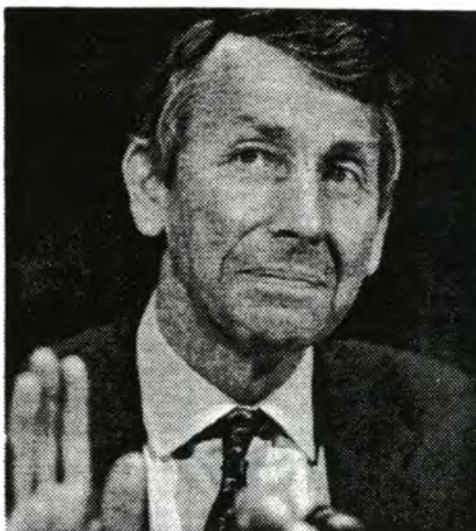
"I just don't want to see you maligned either just because you may have made some mistakes, if that is what they were," said Hatch, who along with Coats harked back to the defeat of conservative Carol Iannone. Iannone was a nominee to the National Council on the Humanities, the advisory arm to the NEH, before that same panel.

"It is easy to sit back and pick some isolated incidents where you are dealing with a tough academic community," said Hatch. "You have rah-rah professors on both sides of the issues, people who are academically unbelievable teaching these kids, and you have a lot of people who want the university to do the very best it can."

So, Hatch asked Hackney, how did you handle the free speech issue created in January when a freshman student shouted, "Shut up, you water buffalo!" to five African American women outside his dormitory who were celebrating their sorority's anniversary? The name-calling by the student, Eden Jacobowitz, who had his own press conference before the hearing yesterday, were investigated by Penn's judicial system, and last month the women dropped their charges of racial harassment.

At the time Hackney said the investigation had to run its course, and both conservative and liberal commentators interpreted that stand as a weak response.

Yesterday Hackney said: "I just don't think anyone should interfere with those procedures while the case is going forward. I don't think that



BY RAY LUSTIG—THE WASHINGTON POST

Sheldon Hackney at Senate hearing on his nomination to be NEH chairman.

would be fair nor wise for the university. I would have used stronger words. I think if you look at my career from beginning to end, you will find numerous examples of courage, if courage is making tough decisions and being willing to risk the criticism that comes from them."

Yesterday's hearing was one of those standing-room-only events with a corridor-long line waiting for the Dirksen hearing room to open and then, once the doors opened, a double line of spectators standing along the walls. Some people sat two to a seat and hardly anyone moved for three hours, including such celebrity friends of Hackney as columnist Art Buchwald.

In his formal statement, Hackney spoke movingly about his Southern upbringing, the people who had shaped him—including his brother, Fain, who was killed in a military plane crash in 1954, and historian C. Vann Woodward—and how 20 years of leadership at three universities had qualified him for the NEH post.

A native of Birmingham, Ala., Hackney, 59, received his undergraduate degree from Vanderbilt University, served in the Navy and earned his advanced degrees from Yale.

Expressing his philosophy of the agency he hopes to head, Hackney said: "Universities exist to create new knowledge and to preserve and communicate knowledge. The NEH, as a sort of university without walls, through its research, education and public programs, is engaged in the same effort."

Yet the discussion from both Democrats and Republicans, led by committee Chairman Edward Kennedy (D-Mass.), kept coming back to the two incidents at Penn. The second event that drew national attention was the April confiscation of the entire press run—14,000 copies—of the Daily Pennsylvanian campus newspaper by a group of black activists.

Hackney was widely quoted after the incident as saying that "two important university values, diversity and open expression, seem to be in conflict." Yesterday Hackney repeated that his quote had been taken out of context and that he had gone on to criticize the action. "The confiscation of newspapers is wrong," he said.

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Sheldon Hackney's Dangerous Balance

Gregory Pavlik is not my cup of tea. The 21-year-old former columnist for the University of Pennsylvania's student newspaper is a mighty conservative young man. He thinks Martin Luther King is unworthy of a commemorative holiday and does not like affirmative action one bit, especially as it has been applied at Penn. Some who have read him regularly say he's an acolyte of Pat Buchanan—one of those guys who punctuates his writing with a sneer.

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What matters is truth or, at minimum, the attempt to get at it. This is what a university is all about. After all, opposition to affirmative action is hardly limited to white racists. Arthur Ashe was similarly disposed. As for the suitability of Martin Luther King as a national hero, I happen to disagree with Pavlik—but so what? The offended black students ought to ask themselves what would have happened if King's speeches and writings—offensive to many whites at the time—were censored. Freedom of the press is not

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HUMANITIES APPOINTMENT

Clinton White House Greases the Skids For Next Nominee

Advisers hope early case for Hackney deflects opponents

By Linda Feldmann

Staff writer of The Christian Science Monitor

WASHINGTON

AS the Clinton administration pushes for as stress-free a Supreme Court confirmation as possible, the White House is working to redeem itself on another appointment: leadership of the National Endowment for the Humanities (NEH).

In short, Sheldon Hackney's supporters don't want him "Guiniered." That is, they are trying to make the case for Dr. Hackney before the opposition has irreparably demonized him and forced the president to pull his name before Senate hearings, as happened with Justice Department nominee Lani Guinier.

But the conservatives smelled an opportunity early with Hackney, and the White House faces an uphill battle.

Hackney's opponents raise two key incidents they say place the University of Pennsylvania president "out of the mainstream" and show him to be a maven of "political correctness." One is the university's now-infamous "water buffalo" episode, in which a white student was accused of violating the university's speech code when he shouted the perceived epithet at noisy black women students. He is also accused of reacting weakly when black students confiscated almost all 14,000 copies of a campus newspaper running a column they found offensive.

"There will be opposition" to Hackney's nomination, acknowledges Howard Paster, the White House liaison to Congress. "But struggle is too strong a word."

In the aftermath of the Guinier debacle, Hackney has been speeding up courtesy calls in the Senate; he has already met with one-third of the members. But there is an awkward element for his supporters: His

See **HACKNEY** page 4

HACKNEY from page 1

nomination has not yet been formally sent to the Senate committee that will hold hearings, Labor and Human Resources. The White House says it will come this week.

Until the nomination is formal, some supporters are reluctant to push seriously. And he is not speaking to the press – customary for high-level nominees. So, as with Ms. Guinier, the opposition has had free rein to define him, and the Wall Street Journal's editorial page is leading the charge, calling him "one of the academic elites who have made 'political correctness' the dominant ethic on American campuses."

Conservative activists are also deep into "opposition research," scrutinizing his record and writings.

I AM concerned about his lack of enthusiasm for protecting freedom of speech at Penn," says Bob Knight of the Family Research Council. "He protects speech if it is from the extreme radical left, but not if it is from conservatives.... To be appointed the nation's leading scholar is a frightening prospect."

The council plans to use "alternative" media – such as radio host Rush Limbaugh and Christian radio and TV – to spread its views on Hackney. The politically potent Christian Coalition is also speaking out against him. The NEH dispenses grant money to academia, and Hackney's foes worry that he will impose a "politically correct" (read: liberal) litmus test on grantees.

Conservatives have catalogued other Hackney "offenses": He supported controversial photographer Robert Mapplethorpe; defended a visit to Penn by black Muslim leader Louis Farrakhan; and disciplined a popular professor for referring to blacks and Jews as "ex-slaves."

A Penn spokeswoman says the Journal's June 9 editorial con-

tains 11 errors. For example, in the case of the disciplined professor, she says, it was his faculty peers who decided the professor needed "sensitivity training."

The spokeswoman also says Hackney statements on the water buffalo incident have not been accurately quoted. "He said: 'Diversity and open expression seem to be in conflict,'" says Barbara Beck, emphasizing "seem to be." And, she adds, Hackney's opponents have conveniently ignored the next part of his statement: "There can be no compromise regarding the First Amendment right of an independent publication to express whatever it chooses."

Hackney's academic supporters, many not used to the fray of Washington politics, have begun writing letters to senators in support of his nomination. Larry Silver, president of the College Art Association, cites in a letter Hackney's "distinguished career" as a scholar in the humanities, particularly in American history, and as a university administrator.

John Hammer, director of the National Humanities Alliance, cites an "outpouring of support" from the academic community. In an unusual move, the board of the NHA's 76 member organizations has formally supported Hackney's nomination. Mr. Hammer, who has followed the nomination carefully, says the White House is being attentive to the Hackney controversy.

Hackney supporters also point to a recent New York Times editorial favoring his nomination – important, in contrast to the paper's opposition to Guinier. On Capitol Hill, one Senate Democratic aide argues that "Hackney is his own best defense," thus, the recent flurry of meetings with senators.

"Getting him confirmed will take some work," the aide says. "But once he gets to his hearings, this nice, smart, decent man will win this battle in the culture wars."

[The Christian Science Monitor,
Wednesday, June 16, 1993]



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THE WALL STREET JOURNAL THURSDAY, JUNE 17, 1993**Letters to the Editor****The Sheldon Hackney I Admire**

The Lani Guinier battle is over, but another one looms, this time not about a professor at the University of Pennsylvania, but about the president of that same Ivy League redoubt, Sheldon Hackney, whom Bill Clinton has nominated to chair the National Endowment for the Humanities, where Lynne Cheney used to sit.

For the past dozen years, Mr. Hackney has run Penn admirably. Before that he was president of Tulane University and earlier, provost at Princeton. He is a teaching historian by trade, his major scholarly preoccupation his beloved South. Unlike Ms. Guinier, it is not his writings that have triggered hostile reaction to his nomination from the editorial writers of *The Wall Street Journal*; instead, what has riled his critics are recent events at Penn in which Mr. Hackney, you aver, went out of his way to coddle minorities. You paint him as the wimpy captive of the forces of political correctness.

I should explain that this man is my friend and that I know him well enough to suggest that perhaps you should get to know him and his academic management style better before you fulminate against him further, for this is a strong, gentle, quietly courageous man whose years in academe have been distinguished and almost universally applauded.

It is obvious that university campuses today are yeasty, sometimes quarrelsome places, especially urban campuses like Penn, where each year more and more minorities come to study, to exercise their intellects and their emotions. Each year new tensions develop, new muscles are flexed, group for group, minority for mi-

nority. But Mr. Hackney has labored to make Penn a place of comity despite the conflict quotient; and this at a time that Penn's undergraduate minority enrollment has grown from 13% to 30%.

He is about to undergo the Washington ritual of Senate confirmation hearings, during which no doubt he'll be asked, among other things, about those recent events described by one writer as "racial sensitivity gone haywire," which called down on him the wrath of those aforementioned critics. In the best of all worlds, perhaps, university campuses would spawn more light, less heat, but those—apparently—are not the conditions that prevail at many campuses across America.

Mr. Hackney has dealt with various eruptions over the years, including protests against the predictable spectrum of invited speakers from Fervorhan to Reagan; despite all, he has succeeded by and large in keeping the peace at Penn. Addicted to freedom of speech for all comers, he has inevitably stumbled. Who hasn't? But for his critics to define him, his convictions and his career in terms of those virtually solitary fumbles is unfair and dishonest.

If Sheldon Hackney's fine stewardship of a great university can be so misrepresented, it is not difficult to comprehend why capable others who might be called upon to serve in Washington would think thrice before subjecting themselves to similar misinformed, occasionally malicious, politically motivated calumny.

MIKE WALLACE
Correspondent
CBS/60 Minutes

New York

Disappearance of the D.P.

Early Thursday, April 15, as some 14,000 copies of *The Daily Pennsylvanian* were dropped in their campus locations, most of the papers were removed and in some cases were replaced with a sign recorded on UPENN.TALK as reading:

WHERE ARE THEY?

The Black Community has come together to make a statement. / We are protesting the blatant and voluntary perpetuation of institutional racism against the Black Community by the DP, the administration, and/or any independent entities affiliated with the University. / We are not willing to accept the blatant disrespect and disregard exhibited towards the Black Community by the DP, the administration, and/or any entities affiliated with the University. / Sometimes inconvenience is worth the price. /

THINK ABOUT IT.

The April 15 edition was partially reprinted by mid-afternoon, without its 34th Street insert on arts and entertainment. Additional removal of papers was reported on Friday, April 16. Details of the initial controversy appeared in Friday's *Inquirer*, *Daily News*, and *D.P.*, as well as on telecasts of Channels 3, 6 and 10. Sunday's *Inquirer* ran an editorial, "Trashing Penn's Daily." On its op-ed page, under the overall title "At the heart of the Penn newspaper flap," the *Inquirer* ran two sides of the issue, subheading them "A taste of the writer's rhetoric that sparked outrage by blacks" (excerpts from a *D.P.* columnist) and "Daily Pennsylvanian accused of furthering white bigotry" (excerpts from a letter-to-the-editor that ran in the *D.P.*, signed by 202 African American students and faculty).

In this issue are comments from Seneca Chair David Hildebrand (page 2), President Hackney (right), the leadership of the African American Association (page 6) and Public Safety Commissioner John Kuprevich (also page 6). The University's policy protecting the distribution of publications is reiterated below. —K.C.G.

OF RECORD

Though I understand that those involved in last week's protest against the *D.P.* may have thought they were exercising their own rights of free expression, I want to make it clear that neither I nor the University of Pennsylvania condone the confiscation of issues of *The Daily Pennsylvanian*. I want to remind all members of the University community of the policy I promulgated several years ago (*Almanac* 7/18/89, reprinted below) specifically banning such actions. Any violation of this policy will be pursued through the University judicial system as chartered by the schools of the University.

—Sheldon Hackney, President

Confiscation of Publications

The confiscation of publications on campus is inconsistent with the University's policies and procedures, and with the ideals of the University. It is inconsistent with the University's Guidelines on Open Expression, and could violate contractual arrangements between the University and other parties.

Members of the University community who are responsible for confiscating publications should expect to be held accountable.

—Office of the President

FROM THE PRESIDENT

On the Campus Controversy of April 15-16: Narrowing the Distance

As you may be aware, serious and complex events have occurred over the past several days on our campus. On Thursday and Friday copies of *The Daily Pennsylvanian* were removed from their regular distribution points as part of a protest action by student and other members of Penn's African-American community. These protests were precipitated by the pain and anger that many members of the minority community have felt in response to the *D.P.*'s exercise of its First Amendment rights to freedom of the press.

This is an instance in which two groups important to the University community, valued members of Penn's minority community and students exercising their rights to freedom of expression, and two important University values, diversity and open expression, seem to be in conflict. It is unfortunate that earlier attempts to establish a dialogue regarding these issues were not effective. It is important that all members of the University understand the circumstances that surround this conflict.

As a completely independent, student-run newspaper, incorporated separately from the University, *The Daily Pennsylvanian* enjoys all the protections of the First Amendment, and the University has no control or jurisdiction over its operations or editorial content. In addition, because of the overriding importance of freedom of expression to the very purposes of the University, Penn has explicit Guidelines on Open Expression that govern and affirm the expression of divergent views in the University community. Of course, any alleged violations of this or other University policies will be investigated according to established University procedures.

Unaware of the protest activity, University security personnel at several locations on campus responded to the removal of copies of the *D.P.* One University administrator with supervisory responsibilities for building security, mistakenly identified at the time as a contract security guard, was involved. In the ensuing altercations between security personnel and some of the students involved in this protest activity against the editorial policies of the *D.P.*, students were handcuffed by University Police and transported to University Police headquarters.

Commissioner Kuprevich has addressed the community's understandable concerns in the following way: he has placed one of the security personnel involved on desk duties while an investigation of the incident is undertaken; and the actions of other campus security personnel will be administratively reviewed. Since the University staff member involved in one incident is not someone who ordinarily has contact with students, Vice President for Human Resources William Holland will be working with Commissioner Kuprevich to determine appropriate action in that case.

In addition, the University administration has agreed to appoint two new committees that will include representatives of the University community to address the serious problems now existing in relations between the minority community at Penn and the University Police. The first group, reporting to Vice Provost for University Life Kim Morrison and Commissioner of Public Safety John Kuprevich, will undertake to determine the facts in the incidents that occurred on April 15 and 16, so that appropriate action may be taken. The second group, reporting to Provost Michael Alkon and Executive Vice President Janet Hale, will review standard operating procedures followed by Penn Police and recommend what procedures are appropriate for police in their dealings with students, faculty, and staff, in the light of the serious tensions and mistrust now existing between the minority University community and the University Police. Our community places complex expectations on Penn's Police. These Police Academy-trained officers are asked to work in an academic community whose values and sensitivities are quite different from those for which they have been prepared.

As I indicated above, two important University values now stand in conflict. There can be no compromise regarding the First Amendment right of an independent publication to express whatever views it chooses. At the same time, there can be no ignoring the pain that expression may cause. I deeply regret that these recent events may mask the continuing effort the University is making towards a comfortable and permanent minority presence in a diverse and civil University community. Whatever their consequences in the weeks ahead, the University will continue to work diligently and persistently towards both goals.

As individual members of an academic community who grasp the importance of both of these values, we must work together to narrow the distance that now seems to preclude their peaceful coexistence. Neither is dispensable, and both are central to the character of the Penn community. We cannot afford to continue to pose them as incompatible alternatives. Penn must be both a diverse and welcoming community for all its members and one in which freedom of expression is the supreme common value. As a free forum for ideas, the University must be open to all and open to all ideas or it is not free.

As we work together to resolve these complex tensions, I ask all members of the University community to put into practice the values of civility and reasoned discourse that are fundamental to the academic enterprise.

—Sheldon Hackney, President

The Hackney Presidency: Twelve Years of Accomplishment at the University of Pennsylvania

April 19, 1993

Since becoming Penn's 21st chief executive in 1981, Sheldon Hackney has often articulated Penn's goal to become the leading international urban research university that is committed to undergraduate education. During his tenure, and with the involvement of many in the Penn community, he has:

- Emphasized undergraduate education, introduced a coherent general education requirement, enhanced the freshman seminar program taught by senior faculty, initiated the freshman reading program, created seven new College Houses to foster a residential living/learning environment, and taught undergraduates in each year of his presidency.
- Placed Penn at the vanguard of urban research universities that are responsive to the needs of their local communities, through his creation of the Center for Community Partnerships and his advocacy of public and community service as an integral part of the educational experience.
- Served as one of America's most forceful spokespersons on the critical importance of freedom of expression, and on the need for community and civility, both on and off campus.
- Initiated the Campaign for Penn, which will raise more than \$1 billion (Penn is only the second university to do so) and which has already added 122 named professorships (a record in higher education) and includes gifts from more than 83,000 alumni donors in this past year alone, more than any other university.
- Strengthened at Penn higher education's preeminent academic and administrative planning process, which has provided Penn with unusual academic and fiscal stability in turbulent times.
- Established Penn as a global university, increasing (from less than 2 percent to 10 percent) the proportion of undergraduates from abroad, internationalizing research and the curriculum, and expanding opportunities for foreign study and international faculty exchange.
- Developed one of the most beautiful urban campus in America, by conserving the best of Penn's past in Frank Furness's Victorian gem, now the Fisher Fine Arts Library, and College and Logan Halls; and creating exciting new spaces for its future in the Law School Library and Clinical Research Building.
- Made Penn an "institution of choice" by attracting the strongest individuals nationwide to key academic and administrative posts, and enhanced Penn's unique position as the "cradle" of college and university presidents.

Undergraduate Education

Under Hackney's leadership, Penn's vision of itself has crystallized into the president's statement that "Penn wants to be the leading international urban research university that really cares about undergraduate education." Hackney, also a professor of history, taught undergraduates in each year of his presidency, either in an honors history seminar or a freshman seminar.

Among the enhancements to undergraduate education are the creating of an undergraduate education fund of \$10 million to support a wide variety of school-initiated programs; increasing the diversity and quality of Penn's undergraduate student body; maintaining Penn's commitment

to a need-blind admissions policy during a period of extraordinary fiscal pressures; encouraging increased faculty involvement with undergraduates as advisers and teachers of freshmen seminars; supporting expansion of the house system to enhance the undergraduate residential experience (there are now 17 options including the first-year houses, living/learning programs and college houses); and encouraging the leadership of the School of Arts and Sciences to undertake a reform of the undergraduate general education requirement that has since been adopted in whole or in part by Penn's other undergraduate schools.

Hackney's two provosts (Michael Aiken, Chancellor-elect of the University of Illinois at Urbana-Champaign, and Thomas Ehrlich, president of Indiana University), who as Penn's chief academic officers, shared his vision of the centrality of the undergraduate experience in defining Penn's special character.

Civility, Community, and Freedom of Expression

A deep commitment to the values of civility, community, and freedom of expression has been a hallmark of Hackney's administration.

Penn's commitment to diversity has grown through the recruitment of students, the appointment and tenure of faculty, the hiring of employees and the broadening of curricular and extracurricular offerings. He has often said that such diversity is a fundamental part of the educational experience students need as our world shrinks under the impact of mass communications, technology and the global market.

Penn's undergraduate minority enrollment has grown from 13 percent to 30 percent, and international undergraduate enrollment has increased from 1.2 percent to 10 percent. Gender balance has changed too; next fall's first-year class is expected to be about 44 percent female. Women deans head four of Penn's 12 schools, and three of its senior officers are women.

Hackney has articulated freedom of expression, civility, and respect as the core values at Penn: "There can be no honest advancement of knowledge where the different experiences, identities, needs, values, abilities, and heritages of individuals and groups are invisible or disparaged," he has said. "Recognizing that we are a diverse community is central to achieving the aims of this University to 'gladly learn' and 'gladly teach,' as Chaucer put it."

Among his achievements at Penn in strengthening the civility of discourse and the breadth of educational experience are the following:

- Revision of the University's judicial system and Guidelines on Open Expression to ensure that preservation of freedom of expression is the preeminent University policy.
- Development of Sexual and Racial Harassment Policies to protect members of the University community from abuse of power relationships and deprivation of rights to full and equal participation in the University community.
- Support for the University's development of a wide range of area and ethnic studies programs and faculty research within the framework of traditional academic disciplines.
- Vigorous defense of the right of students and faculty to invite a diverse range of speakers to campus, ranging from Margaret Thatcher and Ronald Reagan to Louis Farrakhan.
- Introduction of a voluntary program for freshmen to acquaint them with the dynamics of a diverse campus community.



Community Partnerships

Hackney has emphasized that higher education can and should help provide solutions to the most pressing problems of our time, with urban universities having a particular responsibility to contribute to improving the quality of life in the cities in which they are located. Penn has done so by forming partnerships with the City of Philadelphia and the West Philadelphia community that adjoins the campus.

This involvement now includes the Center for Community Partnerships, recently established as the cornerstone of Penn's efforts to institutionalize community service and urban partnerships within Penn's teaching and research missions. The Center has been called a national model of "practical idealism" in higher education.

Some 6,000 Penn students, faculty and staff are now involved in more than 60 public service efforts. Among the dozens of community outreach programs are the Collaborative for West Philadelphia Schools, which links the schools with higher education, business and community organizations; PENNlines, a Penn student volunteer effort to teach science to elementary school children; Penn VIPS, a network of Penn employees and alumni engaged in a variety of volunteer programs designed to benefit Philadelphians; West Philadelphia Improvement Corps, which works with public school teachers, administrators and students to expand the role of their schools into centers where both students and older residents learn skills while working on projects that benefit the community; and the Program for Student-Community Involvement, in which Penn students volunteer as tutors in 20 West Philadelphia schools.

Hackney serves as chairman of the board of the West Philadelphia Partnership, a community development organization uniting major area institutions with community groups. He is on the executive committee of Campus Compact, a national coalition of more than 320 college and university presidents that works to make service an integral part of college life.

The Campaign

Penn's campaign has raised more than any other effort by an Ivy League university. It is second only to Stanford's \$1.2 billion campaign that ended in February 1992. The Campaign for Penn has raised \$955 million and has added 122 (a record in higher education) of the 150 named professorships it seeks—with more than 18 months to go before it ends.

Penn's campaign includes a \$35 million goal for minority permanence, far larger than any other goal announced for this purpose; \$28 million has already been raised. Financial aid as well as a host of programs for undergraduate education have also benefited from Campaign proceeds. The campaign has raised the average annual giving, which hovered between \$40 and \$70 million a year, to nearly \$150 million. Eighty-three thousand of Penn's some 200,000 living alumni made gifts to the Campaign last year, more than any other college or university in America.

Academic and Administrative Planning

Emphasis on institutional planning has allowed the University to emerge as one of the best managed and most progressive institutions of higher education. From 1983, a landmark planning document called "Choosing Penn's Future" guided planning during Hackney's tenure. It set forth objectives describing the quality of faculty, the importance of scale, the diversity of the University community, and the need for fiscal integrity.

The plan allowed the University to focus its aspirations and set the parameters for growth. Through a series of five-year plans based on this document, the University has been able to move forward in its effort to become the leading international urban research university that delivers quality undergraduate education.

Breaking the \$1 billion barrier for the first time Penn's history, the endowment has grown from \$181,700,000 in 1980 to \$1.1 billion in 1993. Establishing TQM (Total Quality Management) at Penn, the University has become a leader in applying the concepts of academia. Internationalization

Understanding that the generation and transmission of knowledge will continue to become even more global, Penn is working toward integrating an international perspective in all dimensions of the University. Building upon its already renowned strength and breadth in foreign languages and international-area studies, the University has increased (by 50 percent in the past five years alone) the number of international undergraduate students enrolled, as well as their geographic diversity.

In the past decade, Penn has established new study abroad and exchange opportunities in areas ranging from Russia to Mexico, Nigeria and China, and more Penn students and faculty than ever before are participating in these programs.

Under Hackney's direction, the University has made major investments in modern global telecommunications technologies, bringing the cultures and scholarship of people from all over the globe to the computer and television screens of students and faculty at Penn.

The Penn Campus

In advancing the vision of his predecessors, Hackney has created what is one of the most beautiful urban campuses in America. He and his colleagues understood that if Penn was to maintain and enhance its standing as an exemplary research university, while at the same time shrinking its "psychological size" in ways that forged scholarly connections among people and programs, it needed to increase substantially its investments in campus facilities and spaces.

While beautifying and embellishing the core of the campus as an urban park, Penn also saw to the preservation of the best of its past, including the National Historic Landmark building designed by Victorian architect Frank Furness as the University's library and now called the Jerome and Anne Fisher Library. Restoration of College and Logan Halls in the heart of campus are also underway.

New facilities that will enable Penn to maintain its standing as a leading research university include the new Clinical Research Building, the Law School Library, the Aresty Institute of Executive Education-Steinberg Conference Center, the planned Institute for Advanced Science and Technology and the Revlon Campus Center.

Penn as an Institution of Choice

Penn is a "cradle" for future college presidents. Among the 35 college and university presidents who were Penn administrators:

Michael Aiken, Penn's provost from 1987-1993, will become chancellor of the University of Illinois at Urbana-Champaign this July.

Rick Nahm, Senior Vice President for Development and Planning, will become president of Knox College in Galesburg, Illinois this July.

Two current Ivy League presidents came from Penn: Vartan Gregorian, now president of Brown University; and James O. Freedman, president of Dartmouth College. Former Provost Hugo Sonnenschein will become president of the University of Chicago in July.

Former Penn Provost Thomas Ehrlich is president of Indiana University, and D. Bruce Johnstone is president of the State University of New York system.

Others include Donald N. Langenberg, chancellor of the University of Maryland system; Claire Gaudiani, president of Connecticut College; Neil Robert Graboys, president of Colgate University; Merle M. Odgers, president of Bucknell College; and Humphrey Tonkin, president of the University of Hartford.

Angling for red herrings in academe

By Sheldon Hackney

THE self-professed aim of Accuracy in Academia (AIA), an offshoot of Accuracy in Media, is to monitor the "political bias" of our nation's universities, particularly any bias to the left. Its members claim there are some 10,000 Marxists on college campuses attempting to brainwash America's youth.

This group poses as guardians of unbiased teaching, but their angling for a Marxist red herring is more likely to result in imposing their own repressive orthodoxy. They pose a threat to the free exchange of information that forms the foundation of our system of higher education and research.

Claiming as their goal the "broadening of the academic base," a vague phrase that more likely contradicts, rather than reveals, their true goals, AIA's members hope to set up a network of students and possibly senior citizens who will furtively report back to the organization examples of liberal bias. The effect of such resurgent McCarthyism on students, not to mention untenured faculty, would be chilling.

The public certainly has a right to know what is going on at colleges and universities, and students are of course free to discuss their classroom experience with parents, friends, and whomever else they choose.

Still, the teaching relationship between professors and students must be based on mutual trust and mutual respect. Universities try very hard to cultivate that trust. Encouraging students to report secretly on, or to bring pressure upon, professors outside of the classroom undermines that relationship.

Some students hear things in the classroom that they don't agree with; that is one of the purposes of the classroom. A class should be a marketplace of ideas, a forum for opposing points of view, where students learn to think critically and where both students and teachers reveal and examine their biases — not hide them.

In such an environment, the best way to expose a bad idea is to give it a hearing, and the proper activity for students and professors is to discuss competing ideas.

Ideas are challenged in university classrooms; to assume that students passively allow themselves to be spoon-fed ideologies of any sort — Marxist or otherwise — is to underestimate their intelligence and spirit.

Encouraging students to "expose" professors rather than to confront them in the classroom would be bad enough; bringing in outside "monitors" would undermine the function of the classroom further. Professors dedicate themselves to years of painstaking scholarship, and students face rigorous admissions standards, but what qualifications will AIA's watchdogs possess? Will they understand that an idea can be taught without being advocated? Will they be able even to accurately describe what they're afraid of, by distinguishing Marxism from Communism? Who will monitor the monitors?

Just as disturbing is the thought that AIA's monitors could very well prompt other special interest groups to demand equal space in the classroom for their own truth squads. If everything spoken in the classroom by professors and students had to meet the censorship of vigilantes with competing values, university classes would soon be characterized not by informed discussion, biased or not, but by silence.

AIA's proposed tactics are dismaying enough, but it is the organization's overall outlook that is most troublesome. The group's claim simply to be on the lookout for misinformation is disingenuous; its purpose seems to be closer to a thinly disguised attempt at thought control.

Malcolm Lawrence, until recently the leader of the group, has asserted that AIA is not some sort of subversive organization, but a group of people who believe in the continuation of our form of government, a capitalist economy, and a strong national defense.

Those are fine beliefs, but that is beside the point. They nonetheless represent a particular orthodoxy, and it is not the place of a university to indoctrinate its students in any particular social or political system of belief. Universities, more than any other institution in a free society, must be places where all viewpoints receive a hearing, whether they are views we endorse as a society or not. There are undoubtedly Marxists teaching on college campuses, just as there are others who believe in a wide range of social and religious, as well as political, doctrines. But their ideas do not go unchallenged by other professors or by students. The assertion that there are 10,000 somehow subversive people on college campuses brainwashing the youth of the country harks back to a fear voiced about Socrates undermining the youth of Athens, but it's simply not true.

Our universities are the envy of the world. They are marvelous places. The special atmosphere that permits the free exchange of ideas should be precious to us all, and we should remain vigilant against any group that attempts to poison it by putting spies in the classroom and having them report to an outside, unidentified audience.

AIA and its troops have tried to portray themselves as underdogs battling a monolithic, left-leaning college bureaucracy. Attempting to invoke anti-elitist sentiment, they ask what we have to hide, what we are afraid of.

Our universities are characterized by openness; little goes on at them that is hidden from view. We would welcome anyone onto campus to discuss openly what we're up to. But we all have much to fear in clandestine attempts by groups such as AIA to stifle the community of free inquiry that prevails on our nation's campuses.

Dr. Sheldon Hackney is president of the University of Pennsylvania.



pel conformity to its proclaimed truth. It professes a particular animus for so-called "secular humanists." The tide is rising and will soon bring to our gates another set of barbarians.

A second source of threat is the government, federal and sometimes state, which manifests not so much specific hostility as general indifference or heedlessness to learning in pursuit of certain economic theories. That heedlessness is apparent in the drastic cuts in the appropriations for support of the humanities, the arts, the sciences, and scholarship generally, particularly historical scholarship. More directly the universities feel the impact of these policies in the curtailment of student loans, research grants, and other government sources of support. When the universities turn to private donors to make up for losses in government revenues, they find that new federal income tax laws have obliged by reducing the tax incentives for private donations.

Such are some of the cheerful prospects that greet your new president upon the eve of his inauguration. As a historian, learned in his profession, he may derive such comfort as he can from the knowledge that in the eight centuries since the first universities were founded he will not be the first to confront a time of troubles as head of a great university. He will need all the wisdom he can command, all that he has gained and exhibited in his services to some of your sister institutions such as Yale, Princeton, and Tulane. He may need even more wisdom than that. On the sources of wisdom he may appreciate a story that originates in our common native region, the South. There was an old man who somehow acquired a reputation for wisdom. Asked to explain this, he said: "Well, wisdom is the product of good judgment. Good judgment is the product of experience. And experience is the product of bad judgment."

'With Prospects So Fair...'

by Sheldon Hackney

inaugural address

Great universities *are* resilient. Though their fortunes may ebb and flow within limits, they have a habit of self-renewal, a happy tendency to adapt creatively to the challenges of successive eras, so that they continue to play a leading role in the world of learning over a long period of time. By so doing, they develop personalities which tend to persist, to mold the behavior of faculty and students, to establish expectations in the various publics to which a university responds, to set the limits of aspiration and define the modes of getting there.

The ingredients of such resilience are many: a fortunate access to resources, appropriate leadership at crucial times, the dedicated support of those whose lives the university touches—these and more. Two traits, however, must be present. The institution must remain true to its own personality, and it must maintain the integrity of its academic life.

Threats to the institution's integrity arise from time to time in various forms and originate from different quarters. Periodically, forces in society outside the university, sometimes operating through government and sometimes as vigilantes, have sought to limit the search for truth or punish those in the academy whose version of the truth deviates from a prescribed orthodoxy. At other times, the enemy has been within. Partisans of one good cause or another have wanted to capture the university in order to further a purpose having more to do with some brand of social justice than with education or the advancement of knowledge. To be sure, the university must remain open to all forms of competing truths, but must be the exclusive presence of none. Most importantly, it must uncompromisingly conduct its academic affairs so as to pursue knowledge at the highest level of quality of which it is capable.

Recent history provides ample evidence of threats from all possible directions: McCarthyism, the Red Scare, the Vietnam War, authoritarianism of the left and right, and even the unintended consequences of otherwise admirable efforts: to compensate for past oppression, to stop an unjust war, to achieve a greater measure of social justice at home or abroad. Our passage has been harrowing.

Now, we face not only a possible recrudescence of those sorts of threats that are rooted in some political ideology, but two new, non-ideological sources of concern. In our eagerness, individually and institutionally, to aid the process of technology transfer, to get ideas from the academic laboratory to the marketplace as profitably as possible, we run a grave risk of losing our essential integrity. The possibility of great financial gain may temper too much our habits of skeptical thinking, may alter our practice of circulating new ideas quickly and freely among our peers for criticism because our professional peers now loom as commercial rivals, may undermine our academic drive to advance the fundamental knowledge in our field because the monetary rewards

are to be found in the applications, may distort the traditional criteria by which we appoint and reward faculty because commercial value at times competes with intellectual value. Academics are human. When the stakes on the table begin to mount, one's commitment to the free flow of ideas within the scholarly community and to the other desired attributes of the search for truth tend to fade.

A second new and subtle cause of concern stems from the government's legitimate desire, in the interests of national security, to limit the flow of high technology to unfriendly nations. There are regulations that require this, and they are being used. The problem arises because in this area knowledge is power and ideas are tantamount to the machinery or devices themselves. In addition, because knowledge is also profit, there is the temptation to limit the flow of ideas to our friendly competitors. Thus, we are now seeing worrisome attempts to police the activities of foreign students and scholars, to limit their participation in certain research projects, to restrict their access to certain conferences, and to inhibit the free flow of information among people interested in the same field. There is no easy answer to this dilemma, but it is a serious concern.

Beyond the ideological threats and the potential dangers residing in new forms of government regulation and in the commercialization of knowledge, there are several forces working together to form a hostile environment for higher education in the coming decade and beyond. It is not that universities are becoming less prominent or less important in the life of a nation increasingly dependent upon knowledge, for quite the reverse is true, but the boom time of the 1950s and 1960s is over and has been over for almost a decade.

We are in the midst of a great sea change in demography that has already begun to lower the number of young people between the ages of 18 and 22, a decline that will become precipitous in the last half of the decade of the 1980s. The implications are enormous. The growth that individual institutions depended upon to open up new fields and improve old ones is no longer there. Because of the absence of prospective growth in undergraduate enrollments, and because of the age structure of a professoriat that underwent tremendous expansion in the 1960s, the outlook for academic jobs is very tight. The response has been a decline nationally since 1975 in applications to Ph.D programs and in Ph.Ds earned. There is also a widespread suspicion that some of the best and brightest students in the humanities and social sciences who might formerly have pursued an academic career are now going into medicine, engineering or business, a trend that threatens the vitality of research in

(continued past supplement)

ALMANAC October 27, 1981

the humanities and social sciences on campus today, and the steady production of new insights and perceptions in the future because of this "lost generation of scholars."

There are problems beyond demography. Inflation, high interest rates, and slow economic growth combine to accentuate the iron law of university finances: expenses tend to rise faster than standard sources of revenue because productivity gains are so hard to achieve in the cottage industry of education. Into this already foreboding mix, stir a sudden reversal of federal government policy on student financial aid, a serious cutback in research support, and the diminution of tax incentives for charitable contributions, and one has the prescription for the 1980s. They will be testing times.

Fortunately, the University of Pennsylvania is not a mere imitation of an ideal notion of a university, or a pale reflection of some other university, but an institution that has grown organically over 242 years from its unique beginning. It has a very strong personality of its own and a rich heritage of accomplishments that bears witness to its strength.

Whatever the immediate effects of Benjamin Franklin's document of 1740, *Proposals Relating to the Education of Youth in Pensilvania*, in which generally the "practical" received equal treatment with the "ornamental," the University of Pennsylvania has been characterized by the juxtaposition, and increasing interaction, of liberal learning and the practical or applied branches of knowledge.

In research, as well as in graduate and undergraduate education, there are numerous cross-cutting strands that link individuals, departments, and schools in fruitful combinations. Joint degree programs carry students across school lines. Multiple appointments attach faculty to the various academic units in which their interests lie but are pursued from different angles. Graduate groups bring faculty together to govern the offering of a particular degree no matter where in the University the faculty primarily reside. Research centers and institutes bring together investigators from different disciplines who share an interest in a subject. Within the School of Arts and Sciences, for instance, there are five majors offered by the faculty of other schools, and fifteen interdisciplinary majors most of which are strengthened by scholars from outside the faculty of Arts and Sciences, not to mention the fifty or so students pursuing individualized majors at any one time. We teach public policy in at least four different schools, do energy-related research in at least three different schools, examine linguistics in four departments and two schools, and our faculty in the life sciences are sprinkled generously over five schools.

One could go on, but the point is clear. Penn brings its faculty together in extraordinary ways.

The result is an academic community that is exceptionally dynamic, that is more than the sum of its parts because of the creative combinations and recombinations, that exploits the advantages of diversity. Diversity applies to people as well as programs. For a long time, Penn has had a reputation as the most heterogeneous of the Ivy League schools in terms of the social backgrounds of our students, a trait of which we should be very proud. The presence of 1600 foreign students adds to the mix in educationally useful ways. Along with the more-than-fifty exchange agreements we have with foreign universities and a globe-trotting faculty, this gives Penn a decided international dimension.

Scrappy and Competitive

Finally, there is a quality in the Penn personality that is difficult to quantify but exerts a dominating influence. I refer to the energy level of intellectual activity and especially to the thriving self-help ethic in the faculty. Perhaps because we have had such a slender endowment as compared to other universities of our quality, Penn has developed an entrepreneurial style that has served it well. We typically rank among the top ten universities in the country in securing outside support for research, and the campus is salted with institutes and programs that are monuments to some faculty member's vision, drive, and ability to raise funds. We are a scrappy, competitive, loosely structured community that puts a great deal of emphasis upon individual initiative.

Our task over the next decade or so is to take advantage of the strengths of our own special identity. Given the challenges, we are in a favorable position. We must maintain our entrepreneurial character, providing incentives and rewards for those who help themselves. At the same time, we need to provide some greater coordination among the units of the University to minimize the loss of energy through friction. This will not, of course, provide a total answer to the problem of adequate resources. We will have to be both aggressive and imaginative in soliciting support from all of the traditional supporters of the University. In addition, we will need to search hard for nontraditional sources of revenue, and to find ways for the University to share in the profits of "technology transfer" without compromising our academic integrity.

No matter how successful we are in this search for support, we will still face the challenges of demography. In order to continue to bolster the quality of our undergraduate programs, we will have to pay greater attention to teaching, advising, and the total residential experience. This must not be simply a place where professors rent laboratory space and students contract to meet faculty periodically in classrooms. It should be a community of people with a shared devotion to learning and to critical thought, and it must promote a full and rounded experience for young adults in their formative years.

The challenge of graduate education is dual. The nation is now underproducing scientists and engineers. Our responsibility is to educate as many as our situation will allow. On the other hand, in the humanities and the social sciences, the problem is to attract enough students of the highest quality to maintain the vitality of our programs and to provide a cadre of junior faculty when tenured positions start to open up in the 1990s. We will be seeking ways to support graduate students financially and to maintain the vitality of our graduate programs given the shrinkage of the graduate student population in certain fields.

A Community of Trust

As practical problems get much more complex, less amenable to solution through a single discipline, and as the world of knowledge changes so that the interesting new breakthroughs increasingly occur at the periphery of traditional disciplines, and as old problems yield new insights when attacked by different disciplinary tools, one would predict that large intellectual payoffs in the next decade or so might well be available by combining disciplinary interests, by bringing together different disciplines to attack a problem, by seeking to integrate knowledge that is increasingly fragmented. Penn is especially well suited to do that, not only because it is strong in traditional fields of knowledge, but because of its matrix organization, its intellectual heterogeneity, and its existing tradition of traffic across intellectual tariff barriers. We must plan carefully to put our major efforts and resources into those things at which we have a head start because of our demonstrated faculty strengths and which promise to be the most intellectually fruitful into the foreseeable future.

If we do all these things well, and if we continue to cherish our institutional integrity, we will not only survive the test of the 1980s but strengthen the University in the process. This is a lively, marvelously energetic and diverse University that is still in the process of evolving into a single community of trust. We must encourage that evolution. The campus helps in this knitting together. In its beautifully consolidated form, it both symbolizes and facilitates the community we seek to be. It is a campus that is at the same time separate from, yet still open to, the city from which it draws so much sustenance and returns so much strength. It has now the opportunity to demonstrate that a heterogeneous community can function with mutual respect, and even intense loyalty, if the common goals are well understood and the contributions of every different element are appreciated. Penn can be that place, that warmly supportive human community that encourages the highest intellectual standards in all its components, and delights in the contributions to human welfare it makes through its pursuit of learning.

With prospects so fair, I invite all Pennsylvanians to join me in an affirmative renewal of dedication to our University. We have much to do if we are to fulfill the promise of this marvelous institution, and we can only do it together.

THE WHITE HOUSE

WASHINGTON

June 16, 1993

Dear Mr. Chairman:

Today, I am officially nominating a native of Alabama, Dr. Sheldon Hackney, to be the next Chairman of the National Endowment for the Humanities. Dr. Hackney is among the most respected leaders in American higher education. He has served for the past twelve and a half years as the President of the University of Pennsylvania, after serving for five years as the President of Tulane University and three years as Provost of Princeton University. Dr. Hackney has a distinguished record both as a first-rate scholar, author, and educator and as an astute and temperate administrator.

Dr. Hackney is uniquely suited for the challenge of heading the agency and carrying out its mission to support the humanities public programs, education and research. He was, for example, a founding member of the Collaborative for Philadelphia Schools and the Committee to Support the Public Schools, projects which profoundly changed the way the humanities are taught in the Philadelphia public schools.

Dr. Hackney is one of the leading Southern historians of his generation. He has continued to teach courses in American history while serving as President of the University of Pennsylvania, an uncommon practice for executive officers of universities and a measure of the importance he places on teaching. His support for undergraduate education led him to seek a reorientation of the curriculum at Penn to ensure that the teaching mission of the university was granted the same priority as the research mission.

"In a democratic society," a recent NEH Report to the President stated, "the humanities -- those areas of study that bring us the deeds and thoughts of other times -- should be part of every life." Throughout his twenty-five year career as a historian and teacher, Dr. Hackney has worked tirelessly to meet that goal, and, when confirmed by the Senate, will build upon his record of achievement in advancing the humanities and making them more accessible to all Americans.

With best wishes,

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill".

The Honorable Edward M. Kennedy
Chairman
Committee on Labor and Human Resources
United States Senate
Washington, D.C. 20510

THE CHRONICLE

of Higher Education.

September 6, 1989

Point of View By Sheldon Hackney

The Helms Amendment Imperils the Basis of Intellectual Freedom

THE CURRENT ATTACK by Sen. Jesse Helms and his allies in Congress on the National Endowment for the Arts raises in the most dangerous way a fundamental question about American freedom of expression. How is it to be limited?

The attack on the arts endowment and on free speech is a reaction against two grants made recently by the arts endowment—one to the Institute for Contemporary Art at the University of Pennsylvania to support a traveling retrospective exhibition of the photography of Robert Mapplethorpe, and the other to the Southeastern Center for Contemporary Art, which used a portion of its award for a fellowship to the artist Andres Serrano. Senator Helms and his allies charge that part of Mr. Mapplethorpe's work is "obscene" and "pornographic" and that Mr. Serrano's is "sacrilegious."

The attack takes the form of an amendment to an appropriation bill that would prohibit the use of federal funds for the dissemination, promotion, and production of "obscene or indecent materials, including but not limited to depictions of sadomasochism, homoeroticism, the exploitation of children, or individuals engaged in sex acts," or "material which denigrates the objects or beliefs of the adherents of a particular religion or non-religion," or "material which denigrates, debases or reviles a person, group, or class of citizens on the basis of race, creed, sex, handicap, age, or national origin."

Given the impossibly vague and broad language of this proscription, anyone can easily imagine works that unquestionably should be available to the public that would be denied federal support. Leo Steinberg's scholarly study of the sexuality of Christ in Renaissance painting would be banned, along with anything dealing with Salman Rushdie's *The Satanic Verses*. I would be on dangerous ground in my course on the history of the 1960's when discussing the Ku Klux Klan or Malcolm X, not to mention Andy Warhol's movie, *Ciao, Manhattan*. Would English departments have to refight the battles over D. H. Lawrence's *Lady Chatterley's Lover* and James Joyce's *Ulysses*? Social and political satire would be off limits, of course, and forget the idea of showing the work of contemporary British artist Francis Bacon in Des Moines and Kansas City, or discussing it in a course on 20th-century art. Gauguin is clearly out, and to be entirely safe the National Gallery should probably take down Albert Pinkham Ryder's *Siegfried and the Rhine Maidens*. If my suggestions of

mentioned proposal to absurd extremes, one need only review the history of authoritarian regimes to discover how efforts to regulate human thought and creativity always become crudely irrational.

The bill with the Helms amendment has passed the Senate. The House has passed an appropriation bill containing a different and more tolerable rebuke to the arts endowment—a budget cut of \$45,000, the exact amount spent to support the work of Mr. Mapplethorpe and Mr. Serrano. The matter will soon be resolved by a House-Senate conference committee.

Much is at stake. The issue is not whether Mr. Mapplethorpe's images are pornographic or Mr. Serrano's sacrilegious, or about whether their work is art or whether they are artists. The question is whether our government, having decided to support the arts, should be involved in attempting to suppress certain forms of expression in an attempt to cleanse public discourse of offensive material. It is perfectly fair for Senator Helms and his think-alikes to denounce Mr. Mapplethorpe and all he stands for, and it is within bounds for them to criticize the Institute for Contemporary Art and the arts endowment. That is part of the American way. They should not, however, use the power of the public purse to limit the public's intellectual and cultural life. It is ironic that at the same time we were applauding the pro-democracy movement in Tiananmen Square with its demands for expanding the scope of public discourse in China, a little group of willful men was busy in Washington attempting to limit expression in the Land of Liberty.

The proponents of the Helms amendment tacitly acknowledge that they are undercutting a cherished American commitment to free speech, because they insist that they are not proposing censorship. Artists, they argue, may create and exhibit anything they wish; they simply cannot enjoy a federal subsidy if their work is judged by someone to be offensive or obscene within the meaning of the Helms amendment. This logic is tortured because the amendment, in effect, would create a blacklist, and people whose names were on it would be less equal than others in the eyes of the law. If not censorship, it is most surely government discrimination against certain ideas.

If there is a program of governmental subsidies, and there certainly needs to be, the competition for support should be open to all artists on the basis of their merit as artists, as judged by qualified people in the field. When the arts endowment was created,

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"All of the arguments being made for putting blinders on the NEA could also be made with regard to the university as a whole."

I am unabashedly proud of the fact that in each of these instances, as a result of careful planning and great effort by the universities, the speakers were able to speak, those who wanted to hear them could do so, and those who felt insulted or demeaned by the speakers' presence expressed their opposition in ways that did not disrupt the event. On those occasions, after my nerves got back to normal, I thought I had seen the university at its best, exposing and examining difficult (even hateful) ideas, providing society an open forum in which truth can be tested in a form of trial by intellectual combat. These victories tended to reinforce my conviction that open expression is a fundamental principle for a university and that it must not be compromised.

Consequently, when my summer of contentment was destroyed last August, first by the decision of the Corcoran Gallery not to exhibit the Mapplethorpe show, then by the Helms amendment to the National Endowment for the Arts appropriation bill, I had a relatively easy time sorting through the issues and reaching a decision. The University of Pennsylvania must support its Institute of Contemporary Art, the creator of the Mapplethorpe show with the aid of a grant from the NEA, and must do whatever it could to prevent any political damage to the NEA or to the general condition of artistic or academic freedom in the United States.

The director of ICA had decided on artistic grounds that Robert Mapplethorpe's photographs deserved a retrospective show. The standing exhibits committee of the ICA Board had reviewed that decision and approved the show. The NEA had considered the request for a grant to support the show in its normal way, reviewing slides of the works to be exhibited, and had judged the project more meritorious than competing proposals. The system worked just as the original act of twenty-five years ago had intended for it to work—in a nonpolitical manner, using professional judgments and criteria having to do with artistic merit.

The show ran uneventfully and very successfully in Philadelphia, not a city known for its fascination with the artistic or social avant garde. It also ran in two other cities without incident. As the date of its appearance in Washington approached, the opposition began to coalesce and found its champion in Senator Helms. After fielding some inquiries from

the Helms office, the Corcoran cancelled the show, thus incurring the wrath of the art world and allowing the Washington Project for the Arts to house the show and reap whatever benefits accrue to a *succès de scandale*.

The continuing drama of the Mapplethorpe show, important as it is in its own right, is less central to my present purpose than a subject it reveals: the relationship between freedom and public virtue. First, some history. The amendment to the appropriation bill introduced by Senator Helms as a way of preventing federal funds from supporting such "outrages" as the Mapplethorpe show or the work of Andres Serrano (whose picture entitled "Piss Christ" was especially objectionable to Senator Helms and to a variety of Christians) poses the question of the relationship between freedom and certain laudable objectives in a very direct way. The amendment stated:

None of the funds authorized to be appropriated pursuant to this Act may be used to promote, disseminate, or produce—

- (1) obscene or indecent material, including but not limited to depictions of sadomasochism, homo-eroticism, the exploitation of children, or individuals engaged in sex acts; or
- (2) material which denigrates the objects or beliefs of the adherents of a particular religion or non-religion; or
- (3) material which denigrates, debases, or reviles a person, group, or class of citizens on the basis of race, creed, sex, handicap, age, or national origin.

The Mapplethorpe show contains work that depicts all the proscribed things in category one. Serrano is responsible for category two. Category three offers a kind of equal opportunity censorship. Putting aside for the sake of current argument the question of the vagueness of the proscriptions, the issue is not whether it is a good thing to have a society in which no one suffers denigration on the basis of some group characteristic not within his or her control, nor whether it would be nice to have a society that respects different religious beliefs, or eliminates the sexual exploitation of children. I like those goals. The question, however, is whether it is appropriate for government to pursue those goals through legislation that suppresses certain forms of expression.

I was mobilized by the threat of the Helms amendment not so much by my fondness for the ICA in particular, or for art and the theater

"The landscape of the past is strewn with once-suppressed works that are now in free circulation."

in general, but by my perception that all of the arguments being made for putting blinders on the NEA could also be made with regard to the university as a whole, using as leverage the federal financial aid programs and research support on which universities have come to depend. If the ICA could be excluded from federal support for transgressing someone's notion of what is obscene, could not other parts of the university be held hostage to Congress's notion of what should be seen and heard on a university campus? I therefore stated my position as forcefully as I could in the *Chronicle of Higher Education*, and I hovered on the fringe of the contending forces in Congress urging on my friends and allies.

At the outset of the debate on the Helms amendment, I recognized the political problem of the large number of right-thinking people who were opposed to the amendment. A conservative constituency in heartland America supports almost anything that will reinforce traditional morality and values, and the Helms amendment was a particularly clear-cut call to battle for that group. Except for artists and museum curators (not usually a sought-after power block in American politics), the opposition to the Helms amendment was composed of people with multiple and cross-cutting legislative interests, while the proponents were more likely to be focused on this single issue. Furthermore, the Helms amendment was cleverly positioned. I could find few legislators who were eager to stand up on the floor of the House or Senate and make an impassioned speech in defense of obscenity. Consequently, I understood the wisdom of the tactics chosen by the champion of the forces of freedom, Sidney Yates, to work as quietly as possible behind closed doors and fashion a victory in the conference committee where individual positions would be camouflaged amidst the welter of different people taking varied positions on numerous provisions of the bill.

I was, however, unprepared for the assumption that appeared at the beginning of the discussion that Senator Helms "had to get something out of this." My own career is built on knowing when and when not to compromise. I generally see compromise as a virtue, but I get very nervous when fundamental principles are at stake. In those cases, one must be very careful that the compromise, if necessary, does not involve things of substance. It became clear that Senator Helms's need to "get something out of this" had less to do with the

votes he commanded either in Congress or in the electorate than with the complex sociology of congressional courtesy. That discovery I count as one of my learning experiences of 1989.

The question of what art is and whether it should be regulated receded as the debate raged on. Conservatives may win that argument in Cincinnati, but not in New York or Washington, D.C. Consequently, the proponents of the Helms amendment sought to center argument on "accountability" and the proper uses of the taxpayers' money. At first, the accountability argument puzzled me. Our ICA and the university itself are audited annually. It would be easy to determine whether or not public monies are being spent on allowable costs of the projects for which the grant was made. As I listened, however, it became clearer that what the supporters of the amendment had in mind was not that sort of accountability, nor even the sort that could be satisfied by the availability of the NEA chair to answer questions about what was being done with the appropriation. Rather, what was envisioned was the conscious politicization of the NEA. That way lies madness and mediocrity. Fortunately, once the disguise was stripped off, the accountability argument lost its power.

A more troublesome problem was presented by the argument that the Helms amendment was not censorship. If it became law, artists could still create whatever they wanted to create, and they could display it wherever they could find space and a gullible audience. The amendment merely sought to make sure that taxpayer money was not used to support things that were offensive to the sensibilities of large numbers of taxpayers. Part of this argument is easy to dismiss. After all, we use tax revenue all the time for things to which a large part of the public objects. "Star Wars" and the stealth bomber come easily to mind. More difficult to dismiss, though, is the mistaken notion that Congress has the power to ensure that public monies are used for purposes that are for the public good.

Given the situation that existed at the time, I think the Yates compromise was as good a result as we could expect. You will recall that it provided for a study of the grant-making procedures of the NEA, a study that is just getting underway. My fears are considerably allayed by President Bush's courageous endorsement of the current method of

"I generally see compromise as a virtue, but I get very nervous when fundamental principles are at stake."

doing business. But, along with a specific condemnation of the Mapplethorpe and Serrano grants, the Yates compromise also contains a punitive clause that requires the NEA to give the Appropriations Committees thirty days prior notice if it intends to make grants to either of the two offending institutions, the ICA or the Southeastern Center for Contemporary Art. If you ever want to see the "chilling effect" in writing, this is it. Then, in a marvelous bit of draftsmanship, the legislation denounces censorship and extolls free expression, but requires the chair of the NEA to exclude support for works that are "without any redeeming literary, scholarly, cultural or artistic value," and requires the commission to consider establishing as explicit criteria the existing Supreme Court test for obscenity (i.e., using contemporary community standards, does the work in question taken as a whole appeal to prurient interest, does it describe in offensive ways sexual conduct, taken as a whole does it lack serious artistic and cultural value?).

This takes us to the current standoff involving Joseph Papp and the NEA. Will he take the pledge or not? In a real sense, I think this is not the heart of the matter. I would hope no artist or impresario would be in a position to say, "I am practicing my profession, or following my calling, in a way that has absolutely no redeeming artistic or cultural value." Paradoxically, if one could honestly make that claim, I imagine that that in itself would constitute something of a serious cultural interest and therefore of value.

The heart of the matter is: who is to decide? No matter what criteria one establishes as permissible in law or supportable by public funds, the criteria will be subject to abuse. I might be perfectly willing to accept a system that suppresses obscene materials, or denies public funds to obscene art, as defined by the Supreme Court test, if I were the one deciding what has redeeming artistic or cultural value. I would be much less happy if Senator Helms or his friends were making that judgment.

A frontier of the permissible will always exist, with bullets whizzing across it from both the puritans on one side and the godfathers of smut on the other, and artists and intellectuals will always zigzag along the frontier trying to expand the boundaries of human consciousness and enrich our understanding of the human condition. The landscape of the past is strewn with once-suppressed works that are now in free circulation. One thinks

immediately of *Lady Chatterly's Lover* and *Ulysses*, not to mention the books banned in South Africa or unavailable in China. The historian of thought is bound to find himself or herself on the side of the maximum amount of freedom imaginable.

Yet, hard cases continue to arise. One is presented by the recent Supreme Court decision that upholds the constitutionality of an Ohio statute that makes it a crime to possess in the privacy of one's home child pornography, on the theory that if one can possess it, someone will produce it, and that its production inevitably involves the exploitation of children. What is to be the fate of Lewis Carroll's drawings of little girls under this rule?

Another hard case has presented itself on my own campus this year, in the wake of a decision by a federal district court in Michigan declaring unconstitutional a University of Michigan harassment policy. Penn has a similar policy because we seek to have a campus environment in which a student's ability to learn is not inhibited by the emotional distress resulting from denigrating attacks. The problem arises from the fact that these attacks are likely to be verbal in nature. If they are speech, are we willing to limit speech that some people think is objectionable? If we do, where does that process of defining some speech as illegitimate possibly end? I would like a campus free of ethnic intimidation, but I would also like a campus that is open and free for all ideas, no matter how dangerous they seem to be. These goals collide.

My own judgment is that we should be able to define racial harassment in such a tight way, perhaps as words uttered in a face-to-face encounter that are intended to inflict emotional damage, that we will be able to outlaw verbal terrorism without chilling the open expression of ideas. At the same time, I recognize that we are treading on dangerous territory and that we must therefore be guided by the principle that on a university campus, free speech takes precedence over all other considerations.

Our Founding Fathers consciously chose the risky option of democracy based on freedom. Mistakes are bound to be made, offensive things will be done and said, the future will always be contingent. Yet the best protection we have found for democracy is an unregulated market in expression. Such a fundamental commitment to intellectual freedom has served us well for over two hundred years and is our best hope for the next two hundred as well. ■

The Hackney Presidency: Twelve Years of Accomplishment at the University of Pennsylvania

April 19, 1993

Since becoming Penn's 21st chief executive in 1981, Sheldon Hackney has often articulated Penn's goal to become the leading international urban research university that is committed to undergraduate education. During his tenure, and with the involvement of many in the Penn community, he has:

- Emphasized undergraduate education, introduced a coherent general education requirement, enhanced the freshman seminar program taught by senior faculty, initiated the freshman reading program, created seven new College Houses to foster a residential living/learning environment, and taught undergraduates in each year of his presidency.
- Placed Penn at the vanguard of urban research universities that are responsive to the needs of their local communities, through his creation of the Center for Community Partnerships and his advocacy of public and community service as an integral part of the educational experience.
- Served as one of America's most forceful spokespersons on the critical importance of freedom of expression, and on the need for community and civility, both on and off campus.
- Initiated the Campaign for Penn, which will raise more than \$1 billion (Penn is only the second university to do so) and which has already added 122 named professorships (a record in higher education) and includes gifts from more than 83,000 alumni donors in this past year alone, more than any other university.
- Strengthened at Penn higher education's preeminent academic and administrative planning process, which has provided Penn with unusual academic and fiscal stability in turbulent times.
- Established Penn as a global university, increasing (from less than 2 percent to 10 percent) the proportion of undergraduates from abroad, internationalizing research and the curriculum, and expanding opportunities for foreign study and international faculty exchange.
- Developed one of the most beautiful urban campus in America, by conserving the best of Penn's past in Frank Furness's Victorian gem, now the Fisher Fine Arts Library, and College and Logan Halls; and creating exciting new spaces for its future in the Law School Library and Clinical Research Building.
- Made Penn an "institution of choice" by attracting the strongest individuals nationwide to key academic and administrative posts, and enhanced Penn's unique position as the "cradle" of college and university presidents.

Undergraduate Education

Under Hackney's leadership, Penn's vision of itself has crystallized into the president's statement that "Penn wants to be the leading international urban research university that really cares about undergraduate education." Hackney, also a professor of history, taught undergraduates in each year of his presidency, either in an honors history seminar or a freshman seminar.

Among the enhancements to undergraduate education are the creating of an undergraduate education fund of \$10 million to support a wide variety of school-initiated programs; increasing the diversity and quality of Penn's undergraduate student body; maintaining Penn's commitment

to a need-blind admissions policy during a period of extraordinary fiscal pressures; encouraging increased faculty involvement with undergraduates as advisers and teachers of freshmen seminars; supporting expansion of the house system to enhance the undergraduate residential experience (there are now 17 options including the first-year houses, living/learning programs and college houses); and encouraging the leadership of the School of Arts and Sciences to undertake a reform of the undergraduate general education requirement that has since been adopted in whole or in part by Penn's other undergraduate schools.

Hackney's two provosts (Michael Aiken, Chancellor-elect of the University of Illinois at Urbana-Champaign, and Thomas Ehrlich, president of Indiana University), who as Penn's chief academic officers, shared his vision of the centrality of the undergraduate experience in defining Penn's special character.

Civility, Community, and Freedom of Expression

A deep commitment to the values of civility, community, and freedom of expression has been a hallmark of Hackney's administration.

Penn's commitment to diversity has grown through the recruitment of students, the appointment and tenure of faculty, the hiring of employees and the broadening of curricular and extracurricular offerings. He has often said that such diversity is a fundamental part of the educational experience students need as our world shrinks under the impact of mass communications, technology and the global market.

Penn's undergraduate minority enrollment has grown from 13 percent to 30 percent, and international undergraduate enrollment has increased from 1.2 percent to 10 percent. Gender balance has changed too: next fall's first-year class is expected to be about 44 percent female. Women deans head four of Penn's 12 schools, and three of its senior officers are women.

Hackney has articulated freedom of expression, civility, and respect as the core values at Penn: "There can be no honest advancement of knowledge where the different experiences, identities, needs, values, abilities, and heritages of individuals and groups are invisible or disparaged," he has said. "Recognizing that we are a diverse community is central to achieving the aims of this University to 'gladly learn' and 'gladly teach,' as Chaucer put it."

Among his achievements at Penn in strengthening the civility of discourse and the breadth of educational experience are the following:

- Revision of the University's judicial system and Guidelines on Open Expression to ensure that preservation of freedom of expression is the preeminent University policy.
- Development of Sexual and Racial Harassment Policies to protect members of the University community from abuse of power relationships and deprivation of rights to full and equal participation in the University community.
- Support for the University's development of a wide range of area and ethnic studies programs and faculty research within the framework of traditional academic disciplines.
- Vigorous defense of the right of students and faculty to invite a diverse range of speakers to campus, ranging from Margaret Thatcher and Ronald Reagan to Louis Farrakhan.
- Introduction of a voluntary program for freshmen to acquaint them with the dynamics of a diverse campus community.



Community Partnerships

Hackney has emphasized that higher education can and should help provide solutions to the most pressing problems of our time, with urban universities having a particular responsibility to contribute to improving the quality of life in the cities in which they are located. Penn has done so by forming partnerships with the City of Philadelphia and the West Philadelphia community that adjoins the campus.

This involvement now includes the Center for Community Partnerships, recently established as the cornerstone of Penn's efforts to institutionalize community service and urban partnerships within Penn's teaching and research missions. The Center has been called a national model of "practical idealism" in higher education.

Some 6,000 Penn students, faculty and staff are now involved in more than 60 public service efforts. Among the dozens of community outreach programs are the Collaborative for West Philadelphia Schools, which links the schools with higher education, business and community organizations; PENNlinks, a Penn student volunteer effort to teach science to elementary school children; Penn VIPS, a network of Penn employees and alumni engaged in a variety of volunteer programs designed to benefit Philadelphians; West Philadelphia Improvement Corps, which works with public school teachers, administrators and students to expand the role of their schools into centers where both students and older residents learn skills while working on projects that benefit the community; and the Program for Student-Community Involvement, in which Penn students volunteer as tutors in 20 West Philadelphia schools.

Hackney serves as chairman of the board of the West Philadelphia Partnership, a community development organization uniting major area institutions with community groups. He is on the executive committee of Campus Compact, a national coalition of more than 320 college and university presidents that works to make service an integral part of college life.

The Campaign

Penn's campaign has raised more than any other effort by an Ivy League university. It is second only to Stanford's \$1.2 billion campaign that ended in February 1992. The Campaign for Penn has raised \$955 million and has added 122 (a record in higher education) of the 150 named professorships it seeks—with more than 18 months to go before it ends.

Penn's campaign includes a \$35 million goal for minority permanence, far larger than any other goal announced for this purpose; \$28 million has already been raised. Financial aid as well as a host of programs for undergraduate education have also benefited from Campaign proceeds. The campaign has raised the average annual giving, which hovered between \$40 and \$70 million a year, to nearly \$150 million. Eighty-three thousand of Penn's some 200,000 living alumni made gifts to the Campaign last year, more than any other college or university in America.

Academic and Administrative Planning

Emphasis on institutional planning has allowed the University to emerge as one of the best managed and most progressive institutions of higher education. From 1983, a landmark planning document called "Choosing Penn's Future" guided planning during Hackney's tenure. It set forth objectives describing the quality of faculty, the importance of scale, the diversity of the University community, and the need for fiscal integrity.

The plan allowed the University to focus its aspirations and set the parameters for growth. Through a series of five-year plans based on this document, the University has been able to move forward in its effort to become the leading international urban research university that delivers quality undergraduate education.

Breaking the \$1 billion barrier for the first time Penn's history, the endowment has grown from \$181,700,000 in 1980 to \$1.1 billion in 1993. Establishing TQM (Total Quality Management) at Penn, the University has become a leader in applying the concepts of academia. Internationalization

Understanding that the generation and transmission of knowledge will continue to become even more global, Penn is working toward integrating an international perspective in all dimensions of the University. Building upon its already renowned strength and breadth in foreign languages and international-area studies, the University has increased (by 50 percent in the past five years alone) the number of international undergraduate students enrolled, as well as their geographic diversity.

In the past decade, Penn has established new study abroad and exchange opportunities in areas ranging from Russia to Mexico, Nigeria and China, and more Penn students and faculty than ever before are participating in these programs.

Under Hackney's direction, the University has made major investments in modern global telecommunications technologies, bringing the cultures and scholarship of people from all over the globe to the computer and television screens of students and faculty at Penn.

The Penn Campus

In advancing the vision of his predecessors, Hackney has created what is one of the most beautiful urban campuses in America. He and his colleagues understood that if Penn was to maintain and enhance its standing as an exemplary research university, while at the same time shrinking its "psychological size" in ways that forged scholarly connections among people and programs, it needed to increase substantially its investments in campus facilities and spaces.

While beautifying and embellishing the core of the campus as an urban park, Penn also saw to the preservation of the best of its past, including the National Historic Landmark building designed by Victorian architect Frank Furness as the University's library and now called the Jerome and Anne Fisher Library. Restoration of College and Logan Halls in the heart of campus are also underway.

New facilities that will enable Penn to maintain its standing as a leading research university include the new Clinical Research Building, the Law School Library, the Aresty Institute of Executive Education-Steinberg Conference Center, the planned Institute for Advanced Science and Technology and the Revlon Campus Center.

Penn as an Institution of Choice

Penn is a "cradle" for future college presidents. Among the 35 college and university presidents who were Penn administrators:

Michael Aiken, Penn's provost from 1987-1993, will become chancellor of the University of Illinois at Urbana-Champaign this July.

Rick Nahm, Senior Vice President for Development and Planning, will become president of Knox College in Galesburg, Illinois this July.

Two current Ivy League presidents came from Penn: Vartan Gregorian, now president of Brown University; and James O. Freedman, president of Dartmouth College. Former Provost Hugo Sonnenschein will become president of the University of Chicago in July.

Former Penn Provost Thomas Ehrlich is president of Indiana University, and D. Bruce Johnstone is president of the State University of New York system.

Others include Donald N. Langenberg, chancellor of the University of Maryland system; Claire Gaudiani, president of Connecticut College; Neil Robert Grabis, president of Colgate University; Merle M. Odgers, president of Bucknell College; and Humphrey Tonkin, president of the University of Hartford.

How Penn Defended The First Amendment

To the Editor:-

I greatly appreciate "Don't Burn Hackney at the Stake" (editorial, June 10), supporting my nomination by President Clinton to head the National Endowment for the Humanities. Given the distorted image of me that is being energetically propagated by a few journalists, it took a good bit of skill and not a little gumption to sort through the chaff and arrive at a balanced judgment.

But you repeat a major distortion that has found its way into the folklore about events of this spring at the University of Pennsylvania. Contrary to journalistic accounts, I *did* denounce confiscation of 14,000 copies of *The Daily Pennsylvanian*, the independent student newspaper.

After saying that diversity and open expression seemed to be in conflict, I made it clear that "there can be no compromise regarding the First Amendment right of an independent publication to express whatever views it chooses." I also reaffirmed a ban on such confiscations that I promulgated four years earlier.

As for my having dealt "weakly" with the students involved, the facts are otherwise:

Penn's student judicial processes will go forward when the students involved return to campus in the fall. As president, I have no role in those processes. I do not determine who is prosecuted, how their cases are adjudicated by faculty-student panels or what sanctions are applied.

That may not be the best system, as it creates the kind of confusion your editorial reflects, and a committee is being formed to re-examine it. But as you point out, there are often real virtues to such a methodical and independent system of due process in insuring a just outcome to controversial cases.

SHELDON HACKNEY
President, U. of Pennsylvania
Philadelphia, June 11, 1993

JUN 13 1993

NEH

UNIVERSITY of PENNSYLVANIA

Philadelphia, PA 19104

June 11, 1993

The Editor
The Wall Street Journal

To the Editor:

Your outrageous editorial page campaign to caricature Sheldon Hackney, President Clinton's nominee to head the National Endowment for the Humanities, as a left-wing ideologue, distorts the facts and his qualifications.

There are many inaccurate factual claims about Sheldon Hackney in your editorial of June 9. Among them are the following:

1) Allegation: Sheldon Hackney is a long-standing representative of academic 'political correctness.'

Fact: Sheldon Hackney's entire career has been devoted to protecting open expression on campus for all points of view. As he wrote in the Philadelphia Inquirer, October 3, 1991, "It is absolutely clear that the classroom must not be a place for indoctrination."

2) Allegation: Sheldon Hackney "tried to prosecute a freshman for shouting 'water buffalo' at some raucous black women....Only after near-universal uproar and ridicule in the press...did Mr. Hackney drop the prosecution."

Fact: One can debate whether Penn's student judicial procedures are effective or appropriate, but having established such a process, the University's president could not intervene in the middle of it. This case was ended when the complainants withdrew their charges.

3) Allegation: Sheldon Hackney "spoke out in favor of kicking ROTC from Penn."

Fact: Sheldon Hackney, a former Naval officer and product of the NROTC program, has spent the past three years resisting demands by many Penn students and faculty that he remove ROTC from the campus, because he believes that ROTC's presence on America's campuses serves important national purposes.

4) Allegation: Sheldon Hackney "saw only 'conflict' between 'diversity and open expression'" when Penn students confiscated copies of the student newspaper.

Fact: Sheldon Hackney said that diversity and open expression "seem" to be in conflict, but that "there can be no compromise regarding the First Amendment right of an independent publication to express whatever views it chooses," and he reaffirmed his existing ban on such confiscations.

5) Allegation: "A Penn lecturer, Murray Dolfman...was forced [by Sheldon Hackney, you wrongly imply] to apologize and undergo a 'sensitivity and racial awareness' session."

Fact: The faculty of Mr. Dolfman's own school (the Wharton School) and department found his humiliation of black students in his class unacceptable and the actions against him by the Dean of the Wharton School wholly justified.

6) Allegation: "Mr. Hackney's double standard suggests a man who'd dispense federal arts money according to a similar bias."

Fact: The National Endowment for the Humanities does not dispense federal arts money, and Sheldon Hackney has made clear that freedom of expression for all views takes precedence over other important values when they come into conflict.

7) Allegation: "The Hackney nomination is a tribute to personal ties" with the Clintons.

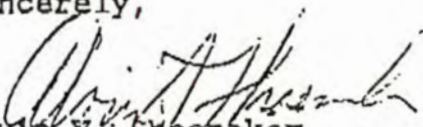
Fact: Sheldon Hackney's distinguished career as a historian, provost at Princeton University, president of Tulane University, and president of Penn have qualified him many times over to lead the N.E.H. He is among the most senior and most widely respected leaders in American higher education. The fact that his wife (a distinguished advocate for the well-being of children in her own right) happens to serve on a board with Hillary Clinton is hardly relevant to her husband's qualifications to serve his country.

8) Allegation: "Hillary Clinton...recently gave a fine speech at Penn deploring political correctness."

Fact: Hillary Clinton said virtually the same thing at Penn's Commencement that you have been lambasting Sheldon Hackney for saying: "We must always uphold the idea of our colleges as incubators of ideas and havens for free speech and free thought....Where every person's human dignity is respected."

As Chairman of Penn's Board of Trustees, I have worked with Sheldon Hackney for twelve years. He is a distinguished historian, a fair and judicious person, and a widely respected leader in American higher education. His distinguished record of achievements and moderate temperament will make him a fine Chairman of the National Endowment for the Humanities.

Sincerely,



Alvin V. Shoemaker
Chairman, Board of Trustees of the
University of Pennsylvania

INDIVIDUALS WHO KNOW DR. SHELDON HACKNEY WELL

Tom Ehrlich, Pres. Indiana University
Jim Friedman, Pres. Dartmouth College
Harold Shapiro, Pres. Princeton University (609) 258-6100
Frank Rhodes, Pres. Cornell University
Jack Peltason, Pres. University of California
Varton Gregorian, Pres. Brown University
Gene Buding, Pres. University of Kansas
Stanley Ikenberry, Pres. University of Illinois

Al Shoemaker, Trustee (banker) (201) 898-0293
Leon Higginbotham, Trustee (215) 597-9157
Ed Randall, Mayor of Philadelphia
Constance "Connie" Clayton, Supt. of Schools, Philadelphia
Carl Kaysen, Trustee (faculty, MIT) (617) 253-4054
Natalie Koether, Trustee (lawyer) (908) 766-4101
Gloria Chisum, Trustee (215) 849-0714
Ernie Boyer, Carnegie Foundation for the Advancement of Teaching,
Princeton, NJ
Bill Bowen, Mellon Foundation, NYC (former Pres./Princeton) (212)
Susan Catherwood, Trustee (215) 662-2363 826-8114
Bill Gray, Pres. United Negro College Fund (former member of
Congress)
Bill McFeely, University of Georgia @ Athens (historian)
Bill Styron, writer
C. Vann Woodward, Yale University, (historian)
Drew Faust, Pennsylvania (leading historian of the South)

***For phone numbers, call Dr. Hackney's office - (215) 898-7221

Also should call :

JAMIL ZAINALDIN
State Humanities
703 908 9700

INDIVIDUALS WHO KNOW DR. SHELDON HACKNEY WELL

Tom Ehrlich, Pres. Indiana University
Jim Friedman, Pres. Dartmouth College
Harold Shapiro, Pres. Princeton University (609) 258-6100
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Eugene, p's
make
Connections
MV

NATIONAL
ENDOWMENT
FOR THE
ARTS

*The Federal agency
that supports the
visual, literary and
performing arts to
benefit all Americans*

June 10, 1993

Mr. Robert Pittman
Editorial Page Editor
St. Petersburg Times
P.O. Box 1121
St. Petersburg, FL 33731

Arts in Education

Challenge &
Advancement

Dance

Design Arts

Expansion Arts

Folk Arts

International

Literature

Locals

Media Arts

Museum

Music

Opera-Musical
Theater

Presenting &
Commissioning

State & Regional

Theater

Visual Arts

Dear Mr. Pittman:

Regarding the Petersburg Times' May 19 editorial "Hooray for Hilary," we applaud your favorable opinion of Mrs. Clinton and her views on free speech and free thought.

However, University of Pennsylvania President Sheldon Hackney is nominated to be Chairman of the National Endowment for the Humanities, not the Arts Endowment.

Surprisingly, the two cultural agencies are confused in the media rather often. Their endeavors only overlap on rare occasions -- since the Arts Endowment funds creativity and performance and the Humanities supports scholarly endeavors.

This week we sent out a copy of our latest information packet to add to your knowledge of the Arts Endowment's many good activities.

Sincerely,

Ginny Terzano
Director of Public Affairs
202/682-5570

NATIONAL
ENDOWMENT
FOR THE
ARTS

*The Federal agency
that supports the
visual, literary and
performing arts to
benefit all Americans*

June 16, 1993

Mr. Andrew Sullivan
Editor
The New Republic
1220 19th Street, N.W.
Washington, D.C. 20036

Dear Mr. Sullivan:

Arts in Education

*Challenge &
Advancement*

Dance

Design Arts

Expansion Arts

Folk Arts

International

Literature

Locals

Media Arts

Museum

Music

*Opera-Musical
Theater*

*Presenting &
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State & Regional

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Visual Arts

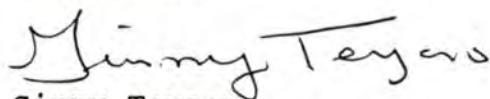
A recent New Republic article [Withdraw Guinier, June 14, 1993] inaccurately referred to Sheldon Hackney -- President's Clinton's nominee to head the National Endowment for the Humanities -- as the "nominee for the National Endowment for the Arts."

Although the two agencies work closely together and have mutual goals of making the arts and humanities accessible to more Americans, the President appoints separate Chairs to head each of the Endowments.

Your assistance in clarifying this recurring confusion is greatly appreciated.

If you have any questions, please do not hesitate to call, 202-682-5570.

Sincerely,



Ginny Terzano
Public Affairs Director

Hooray for Hillary

EDITORIAL

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In her commencement address at the University of Pennsylvania this week, Hillary Rodham Clinton spoke words that desperately needed to be heard by students, faculty and especially by Sheldon Hackney, the university president.

Mrs. Clinton urged Penn students to celebrate their diversity and to uphold the idea of universities as "havens for free speech and free thought." The first lady expressed her distress at "hateful acts, hateful words," but urged students and administration not to resort to censorship.

"For all the injustices in our past and our present," she said, "we have to believe that in the free exchange of ideas, justice will prevail over injustice, tolerance over intolerance and progress over reaction."

The University of Pennsylvania has become the latest battleground in the conflict between free speech and efforts to make students more sensitive to the feelings of minorities and women. The problem is that these good intentions often do damage to the First Amendment and to the values of a university. If a university does not stand for free thought and free speech, what does it stand for? Without these values, how can there be honest teaching and learning?

At Penn, some of the university's black students have trashed the First Amendment. Offended by the opinions of a right-wing columnist, the student censors confiscated 14,000 copies of the *Daily Pennsylvanian* and dumped them in a trash bin. The students said they had done nothing wrong, because the newspapers are free and there are no limits on how many copies a person can take.

!!!
The craven Hackney, who soon will be going to Washington to head the National Endowment for the Arts, a federal pinata for the nation's artists, responded to this assault on a free press with mush. "Two important university values, diversity and open expression, now stand in conflict," Hackney said in a statement after the papers were trashed. "There can be no compromise regarding the First Amendment

We have to believe that where there is a free exchange of ideas and open debate, justice and tolerance will prevail.

right of an independent publication to express whatever views it chooses. At the same time, there can be no ignoring the pain that expression may cause."

He is right on both counts. Unfortunately, on the issue of free speech, Hackney is a wimp. He has refused to publicly condemn the students' action, even though 15 Penn law professors signed a letter to Hackney saying he had not spoken out strongly on this First Amendment issue. They must be wondering what happened to the Sheldon Hackney who vigorously defended free speech when Louis Farrakhan appeared on campus and when the homoerotic works of Robert Mapplethorpe were displayed.

Another free-speech controversy at Penn involves Eden Jacobowitz, a white freshman who faces a hearing on racial harassment charges. His offense? While trying to write an English paper, he was interrupted by a group of black sorority sisters making loud noises outside his dorm window. He yelled at them, "Shut up, you water buffalo." The American Civil Liberties Union has come down on the side of Jacobowitz.

It should be clear by now that the courts are not going to tolerate speech codes and censorship by colleges trying to curb racist, anti-Semitic and other offensive speech. Contrary to what some may think, free speech is not the problem; it is part of the solution. Hillary Clinton is right. We have to believe that where there is a free exchange of ideas and open debate, justice and tolerance will prevail.

Long-Running Culture War Opens New Front: an Arts Nomination

By ROBIN TONER

Special to The New York Times

WASHINGTON, June 21 — It rarely rises to the prominence of the great struggles over taxes or abortion, but the culture war continues along the border of academia and politics. It is bitter, long-running and intense, and Sheldon Hackney has found himself in the thick of it.

Mr. Hackney, the president of the University of Pennsylvania, was nominated by President Clinton last week to be chairman of the National Endowment for the Humanities. On paper, his confirmation would seem routine, even preordained: A career marked by steady advancement in higher education; important and vocal friends from Mike Wallace, the journalist, to C. Vann Woodward, the historian; and intriguing Southern roots. His in-laws, Virginia and Clifford Durr, were renowned Alabama liberals who helped bail out Rosa Parks. His wife, Lucy Durr Hackney, is a children's advocate and a friend of Hillary Rodham Clinton.

But Mr. Hackney has also become, much to his dismay, a symbol of political correctness on America's college campuses, an exemplar of a liberal orthodoxy that critics assert has hampered free speech and chewed up numerous innocents along the way.

Chief among the innocents, these critics contend, is Eden Jacobowitz, a Penn freshman from Lawrence, L.I., who was pursued on racial harassment charges at the university after simply shouting, he insisted throughout the case, "Shut up, you water buffalo!" to a group of noisy black students outside his dormitory one night.

Lost in the Translation

Mr. Jacobowitz, who was born in Israel, said the remark had no racial significance, arguing that he was reaching for the word "behayma," Hebrew for "water oxen" or, in slang, "foolish person." His case prompted scores of newspaper columns and editorials, many of them demanding to know why Mr. Hackney and the university's administrators would let such a case go so far, so long.

The case was dropped in May, with the black students contending that publicity prevented them from getting a fair hearing; Mr. Jacobowitz said that he too was dissatisfied with the process and the outcome.

Mr. Hackney received even stronger criticism for his response in April when 14,000 copies of the student newspaper were seized by a group of



Bill Cramer for The New York Times

Sheldon Hackney, the president of the University of Pennsylvania, at home in Philadelphia. Mr. Hackney was nominated by President Clinton to be chairman of the National Endowment for the Humanities.

black students protesting a conservative columnist and what they asserted was institutional racism. The students accused of seizing the newspapers face disciplinary proceedings next fall, a university spokeswoman said.

At the time, Mr. Hackney declared that "two important university values, diversity and open expression, seem to be in conflict." His allies said that the comments were taken out of context and that he emphasized the university's commitment to free speech. But the statement spoke volumes about the colliding world views of this debate.

What is at stake, to be sure, is not a major piece of Federal turf. But the National Endowment for the Humanities, with a budget of more than \$170 million, is a substantial source of grants for the academic world. It has also proven to be a bully pulpit for past chairmen like William J. Bennett and Lynne V. Cheney, who served during the Reagan and Bush Administrations.

Moreover, the Hackney nomination does not come in a political vacuum. Still wounded by the failed nomination of Lani Guinier, a law professor

also from Penn, to be assistant attorney general for civil rights, the Clinton Administration is intent on minimizing controversy around any nomination at the moment.

A Positive Record Detailed

Mr. Hackney's allies present the 59-year-old educator as a reasonable, tolerant man who helped turn his Ivy League university into a far more diverse environment, noting that undergraduate minority enrollment rose to 30 percent from 13 percent in his 12 years as president. He may be cautious, they say, but he successfully balanced all the competing cultures, sensitivities, needs and demands of a modern university, which is not an easy task.

"He's a Southerner, a moderate guy, not an ideologue at all," said William H. Gray 3d, head of the United Negro College Fund and former majority whip of the House who represented a district in Philadelphia.

Mr. Hackney's conservative critics counter that he simply toes the politically correct, or P.C., line, a phrase often used to refer to "correct" liberal attitudes, particularly regarding women, ethnic minorities and homo-

sexuals. In recent years, that line of attack has become a frequent one, with critics asserting that many college campuses now enforce those attitudes to such an extent that freedom of speech is trampled upon.

"We do have concerns about what appears to be a chilling atmosphere on a lot of university campuses," said Gary Bauer, a former Reagan adviser who now heads the conservative Family Research Council, "and our fear is that he will bring the same philosophy to his work at the humanities."

Uncomfortable Allies

Not all the opposition to Mr. Hackney comes from the right. Nat Hentoff, the columnist and First Amendment specialist, argues: "When it's trendy or P.C., he'll give the free-speech line. But if it's the water buffalo man, he's not interested."

Even some of Mr. Hackney's allies seem uncomfortable with the university's speech policies and enforcement procedures. Senator Harris Wofford, the Pennsylvania Democrat who is Mr. Hackney's patron on Capitol Hill and a former university president himself, said, "I think the old ways of deans and fellow students straightening out people is better than these elaborate procedures and codes."

Many conservatives would revel in turning the Hackney nomination into a debate over political correctness, which has yet to become a mainstream issue. But Mr. Hackney, who declined a request for an interview, was making the rounds in the Senate last week, trying to defuse the issue before his confirmation hearing next Friday, in the Senate Committee on Labor and Human Resources.

Senator Orrin G. Hatch, a conservative Republican from Utah who is on that committee, said after a meeting with Mr. Hackney, "President Hackney made a pretty good case that he is against political correctness."

'Political Hogwash'

William Kristol, a conservative strategist who was an adviser to Vice President Dan Quayle and who once taught at Penn, said: "It's one thing to say, 'Of course I don't believe in political correctness.' It's another to defend a student or faculty member under pressure because they've said something politically incorrect."

Mr. Gray counters that any charge of Mr. Hackney's being insufficiently solicitous of free speech "is absolute-

Francis Sheldon Hackney

BORN Dec. 5, 1933, in Birmingham, Ala.

EDUCATION Ramsey High School; B.A., Vanderbilt University; M.A. and Ph.D., Yale University.

CAREER HIGHLIGHTS

In 1969, wrote "Populism to Progressivism in Alabama;" 1965-1975, member of faculty, and provost, Princeton University; 1975-1980, president, Tulane University; 1981-present, president, University of Pennsylvania.

FAMILY Married to Lucy Durr Hackney; two daughters and one son.

HOBBIES Movies, tennis, breadmaking

ly right-wing political hogwash."

Mr. Hackney's candidacy is vastly strengthened, his friends say, by his academic résumé. Before joining Penn, he was president of Tulane University and provost of Princeton University. He is also a prize-winning historian of the American South.

Mr. Bennett, the conservative who was President Ronald Reagan's humanities chairman, said: "My guess is someone like Hackney will be confirmed. He's in the academic mainstream; the problem is I think that mainstream is sullied water."

As for what Mr. Hackney thinks of the two incidents that tinged his past year at Penn, he told alumni and others in a recent letter that the university had no choice but to let due process run its course. He added, however, that it clearly was time to review those procedures.

"The fact that Penn's policies have had unintended or unsatisfactory outcomes will be addressed rationally and carefully," he wrote, although he acknowledged the obvious: "These are painful and emotional issues."

Justices to Decide if Ash Is a Hazardous Waste

By LINDA GREENHOUSE

Special to The New York Times

WASHINGTON, June 21 — In a case that could help determine the economics of municipal waste disposal, the Supreme Court agreed today to decide whether the ash left from the burning of municipal solid waste must be treated as hazardous waste, requiring special treatment that could increase the cost of disposal by as much as 10 times.

The issue has been one of the more disputed aspects of Federal environmental policy in recent years. It has split the lower Federal courts and has produced an agonizing series of policy changes within the Environmental Protection Agency, which issued a policy statement last fall stating that the ash should be exempted from hazardous waste regulation.

But the Federal appeals court in Chicago later ruled that the ash was hazardous waste after all. The opinion, by Chief Judge William J. Bauer, declared that "the E.P.A. has changed its view so often that it is no longer entitled to the deference normally accorded an agency's interpretation of the statute it administers."

The problem stems from a vaguely worded Federal law, the Resource Conservation and Recovery Act of 1976, which governs the disposal of hazardous waste. The law contains an exemption for incinerators designed to recover energy, like steam or electricity, from the burning of municipal solid waste: the incinerator itself is not to be regulated as a hazardous waste facility.

Tenfold Cost Increases

But the law says nothing about the residue of the incineration. If the ash can be buried at low cost as ordinary landfill, the energy-producing incinerators would make economic sense for many cities. If the ash has to be stored under the special conditions required for hazardous waste, the cost would increase dramatically, making it cheaper for cities to bury their waste.

The Court granted an appeal filed by the city of Chicago, which owns and operates a resource-recovery incinerator, the Northwest Waste-to-Energy Facility. The incinerator handles 14 percent of the city's solid waste and produces \$1.5 million worth of steam a year, which the city sells to industry and utilities. The ash is buried in an ordinary landfill in Michigan for about \$23 a ton; it would cost about \$210 a ton to store the ash as hazardous waste.

Chicago was sued by the Environmental Defense Fund, which argued that Federal law required the ash to be treated as hazardous waste. The Federal District Court in Chicago ruled for the city in a decision that was overturned by the United States Court of Appeals for the Seventh Circuit.

In its appeal, *Chicago v. Environmental Defense Fund*, No. 92-1639, the city said its costs would grow by \$20 million a year if the incinerator's ash was treated as hazardous waste. There are 137 municipal energy-recovery incinerators in the country, with dozens more being planned.

There were also these other developments at the Court today:

Belated Evidence

The Court agreed to decide whether an employer can avoid liability under the Civil Rights Act of 1964 for discriminating against an employee if, in the course of the employee's discrimination lawsuit, unrelated evidence emerges that would have provided independent grounds for dismissing the employee.

In this case, a woman who was employed as a security officer for a university sued her employer under the Civil Rights Act for sex discrimination and sexual harassment. During pretrial discovery, the university's lawyers learned that the woman had stated falsely on her employment application that she had never been convicted of a crime; in fact she had pleaded guilty to driving under the influence of alcohol.

There was no dispute that the false statement would have been grounds for dismissal; the question for the Court is whether this "after-acquired evidence" absolves the employer of liability for its discriminatory conduct. The United States Court of Appeals for the Sixth Circuit, in Cincinnati, found that although the employer violated the Civil Rights Act, it was entitled to win the case because the plaintiff had obtained her job through fraud.

The Clinton Administration urged the Court to hear the woman's appeal, *Milligan-Jensen v. Michigan Technological University*, No. 92-1214, on the ground that the appeals court's approach to the case had a "vast potential for abuse" that would encourage employers to defend discriminatory conduct with irrelevant evidence. The belatedly discovered evidence "does not negate the discrimination that actually occurred," the Administration's brief argued.

Lingering Segregation

Thirty-nine years after the Court ruled in *Brown v. Board of Education* that the schools of Topeka, Kan., were unconstitutionally segregated, the Justices let stand a ruling by a Federal appeals court that the school system had still not completely erased the vestiges of segregation.

The old lawsuit was revived in 1979 by Linda Brown, the original plaintiff, on behalf of her two children. It has been in the courts since then, producing several rulings. In the latest decision, the United States Court of Appeals for the 10th Circuit ruled last October that the system was still not desegregated in student and faculty assignments. While there are no all-black or all-white schools, several schools are identifiable by race.

The school board's appeal, *Unified School District v. Smith*, No. 92-1568, argued that the appeals court had ignored recent Supreme Court rulings under which formerly segregated school districts were not to be held accountable for all lingering racial imbalances. The Federal District Court in Kansas must now devise a remedy for the remaining segregation in Topeka.

Solicitor General Introduced

Attorney General Janet Reno went to



Paul Hasefros/The New York Times

Drew S. Days 3d, the Clinton Administration's new Solicitor General, will be in charge of preparing all Government cases in the Supreme Court.

the Court today to introduce the Clinton Administration's new Solicitor General, Drew S. Days 3d, to the Justices in a brief courtroom ceremony. Chief Justice William H. Rehnquist welcomed Mr. Days, who will be in charge of preparing all Government cases in the Court, and also thanked William C. Bryson, a career Justice Department lawyer, who served as acting Solicitor General for the Administration's first five months.

What Sheldon Hackney Actually Said

On the first day of his confirmation hearings to chair the National Endowment for the Humanities, Sheldon Hackney was asked for the third or fourth time to reflect on his handling of the infamous Penn "water buffalo" case. He said something that would surprise the supporters of those campus speech codes he is thought to personify.

"Though I believe civility on campus is important, and that we should have a statement of standards," he said in response to a question from Republican Sen. Dan Coats, "I now think it is a mistake to try to enforce that through judicial proceedings. It just doesn't work too well, and I think it ought not to be tried."

Whether that marked shift in opinion is a matter of "confirmation conversion" or sincere rethinking, it does seem unlikely that this nomination is headed the way of a Carol Iannone (the literature scholar whose rejection two years ago still stings the conservatives on the panel) or a Lani Guinier. After grilling Hackney at length, Republican senators Nancy Kassebaum and Orrin Hatch both said they plan to support his nomination on the Senate floor. Coats, though reserving judgment, told Hackney that the political correctness question "is an important debate we should have, but I don't think it should center around your nomination."

But whatever the outcome, this first round was a good view of the odd and trivial ideological stew that's served up in these now familiar confirmation fights—a mix of insistent attack slogans on

the one hand and intensely diligent line-reading by the victim on the other.

Coats may have come closest to diagnosing the situation when he commented, apropos of his previous meetings with Hackney, "I've appreciated your answers on political correctness—you've become a symbol of it, unfortunately for you, but fortunately for the nation because at least now we're going to have a talk about it."

Well, yes and no. Asked by Kassebaum "whether you think political correctness contributes to the free exchange of ideas," Hackney first noted that the term "means different things to different people," then that it "is present on campuses and can be a problem" and "would be a serious problem if it were to capture a campus." Finally he talked for a while about the type he considers most problematic: "The rather radical form of relativism, if you will, the notion that every thought is a political thought, and that every statement is a political statement, so that there can be no objective test of truth. I myself recognize that relativism exists . . . but that is not to say there are not tests of truth that should be applied. Some answers are always better than others."

The mention of a test of truth spotlights the thinness, approaching uselessness, of most of the fierce comments exchanged beforehand. Despite sustained commentary from mostly conservative quarters on Hackney's general nefariousness, the exact argument has been blurry throughout as to why he represents the dread political correctness

or, for that matter, the other ills of despised academe.

The argument starts, of course, with the two famous Penn incidents: the "water buffalo" case in which an Israeli-born freshman was subjected to a lengthy disciplinary proceeding—eventually dropped by the complainants—for shouting this ambiguous and apparently Hebrew-origin term at a group of black sorority sisters; and the allegedly weak-kneed response from Hackney after a black students' group inexcusably confiscated an entire press run of the *Daily Pennsylvanian* because they were angry at a columnist.

Hackney has taken the most barbs for having written, in a statement the day after the incident with the newspapers, that "two important university values, diversity and open expression, seem to be in conflict."

George Will in these pages called the reaction "mild, 'understanding,' almost condoning" and "clearly craven"; Charles Krauthammer said it was "spineless moral equivalence between writing a newspaper and destroying a newspaper." The *Wall Street Journal* editorialized on the morning of the hearing that Hackney's statement was "awash in pious evenhandedness."

The full text, while turgid, gives a different view. The line about values "seeming to be in conflict" is followed two sentences later by this one on freedom of speech: "The *Daily Pennsylvanian* enjoys all the protections of the First Amendment. . . . In addition, because of the overriding importance of freedom of expression to the very purposes of the

University, Penn has explicit Guidelines on Open Expression that govern and affirm the expression of divergent views in the University community. Of course, any alleged violations of this or other university policies will be investigated. . . ."

A couple of paragraphs later, Hackney reiterates: "As I indicated above, two important University values now stand in conflict. There can be no compromise regarding the First Amendment right of an independent publication to express whatever views it chooses. At the same time, there can be no ignoring the pain that expression may cause."

"We cannot afford to continue to pose [the two] as incompatible alternatives," he adds. "Penn must be both a diverse and welcoming community for all its members and one in which freedom of expression is the supreme common value."

Hackney made use of his hearing to apologize repeatedly for the statement's length, muddle and what Hatch described as "mushiness"; at the same time, he referred at every possible opportunity to free speech as the "paramount value." So insistently did he sound his theme that the hearing doesn't, in the end, say all that much about the broad views of Sheldon Hackney or the intellectual atmosphere at Penn. But it does say a good deal about the difference between an actual debate about serious matters and a pre-confirmation battle conducted mostly by spitball.

The writer is a member of the editorial page staff.

Help Is on the Way

A terrorist plot is hatched in Baghdad. What to do? Call the Pentagon. Zap the headquarters of the plotters with 23 Tomahawk cruise missiles.

A devilish scheme in New York, a vast conspiracy to blow up buildings, tunnels and diamond dealers. Easy. Call the FBI, collar the suspects.

Terrorism in Washington, D.C.? Random shootings, 24 homicides in one week.

Carnage is so common that it is barely recorded, unless the victim is too old or too young. There was the case of the 80-year-old lady on Capitol Hill, a hardy but imprudent soul who went to church and went to the hairdresser and thought she could leave her door open. June Ramsey was found with her throat slit, wrapped up in a rug, in her front hall.

The day before, the ultimate outrage occurred—a fiery assault that suggested a meltdown of human decency. A gunman with a semiautomatic handgun shot up a swimming pool full of little children in a poor part of town. Six children were hit. The city hung its head in shame.

Foreign casualties are noted. The most recent embarrassment was the murder of a 72-year-old British visitor on a brief respite from the unending care of a wife with Alzheimer's disease. He got off at the wrong Metro stop.

The law-and-order aspects of the situation seem to be in hand, at least on paper. The District of Columbia has the highest concentration per capita of law enforcement officers of any major city in the United States. The District jail complex at Lorton is crammed with 10,000 inmates. Sen. Richard C. Shelby (D-Ala.), whose young aide was shot in the back of the head last year as he went to a Capitol Hill 7-Eleven, called for the death penalty. But he says now that, of course, crime prevention requires more.

The state of preventive programs in the District can be illustrated by the number of residents who can't get drug treatment. There are hundreds of addicts on the waiting list, according to D.C. Human Services spokesman Larry Brown. Some have been there for from four to six months.

When Bill Clinton became the District's First Citizen, hope was born that he would take a hand in its tangled affairs. The city offers a rich variety of social pathologies that a policy wonk would find hard to resist: high crime, high infant-mortality rates, teenage pregnancies, drug abuse, youthful

violence, high school dropouts. But the president has been engrossed in his economic programs and under fire from people who think that pools for the poor are sinful luxuries. Maybe he feels he simply cannot afford to interest himself in the District's problems, the cost of remedies being too high.

The irony of success against violence elsewhere, and total failure here, was not lost on him. At a fund-raiser Monday night, when he was taking bows for the missile raid and the foiling of the New York terrorists, he said, "In this, the capital city of this country, 24 people were killed last week."

He was busy in the war room in the immediate aftermath of the swimming pool panic. He did not go to the site, although there was talk that he might. D.C. City Councilman Kevin P. Chavous did, and said what Clinton could have said: "We will not be run out of our community."

"Any charge on this problem will have to be led by the president," said Shelby. Clinton has business in Asia next week.

But help is on the way. Attorney General Janet Reno, acting on her own, last week sought out the beleaguered D.C. mayor, Sharon Pratt Kelly. Reno promised whatever help the Justice Department could provide. She offered to go partners with the District in its bloody predicament. During the terrifying days this spring when a stalker was loose in Mount Pleasant and Adams-Morgan, Reno met with the mayor and offered a hand from federal agencies under her control.

Reno, who followed two candidates with nanny problems for the attorney general job, has a deep strain of nanny in her, and what she calls "a strong sense of community."

She has no presidential order or mandate for what she is doing, and no extra funds. But she understands, from her days as prosecuting attorney in Miami, that one of the problems with deprived and battered neighborhoods is the feeling of being isolated and abandoned.

She is a fierce advocate of early Head Start programs, for teaching children from age 3 about rewards and punishments. She speaks all over town about the roots of violence. She exhorts bar groups to "adopt a block" and teach teenagers about gunless problem solving.

She has no magic cure, but she would like to make Washington a model city. Just hearing her say that might make the cowering residents feel better.

REVIEW & OUTLOOK

Penn: The Report

Not long ago, during the memorable Water Buffalo trials at the University of Pennsylvania, we also reported on the concurrent suspension of Donald Fitzgerald, director of security for Penn's University Museum of Archaeology and Anthropology. Mr. Fitzgerald, it appeared, had run afoul of the Penn administration—which has some markedly peculiar notions about the duties of security officers—because he tried to apprehend two women students running out of the museum carrying three large plastic bags.

It turned out that the women were not, as Mr. Fitzgerald worried, running off with museum pieces. Part of a group of black activist students aggrieved by the views aired in the student paper, the women had confiscated all the copies of "The Daily Pennsylvanian" at the museum, as their friends were doing elsewhere around campus. On April 15, virtually the entire press run of the paper was appropriated and carted off.

The administration, headed at the time by President Sheldon Hackney (who recently won confirmation as head of the National Endowment for the Humanities), determined at once that Mr. Fitzgerald should be suspended from his security duties. He would remain on suspension many weeks, while a "blue ribbon panel" appointed by the Penn administration deliberated over the events of April 15.

Those deliberations have at last come to an end. With that end has also come a report on the panel's findings—one so remarkable for the depths of its fastidiously argued nonsense that we thought it only fitting to reprint portions nearby. The document is a pure specimen of political cravenness. But such cravenness is hardly limited to the University of Pennsylvania. The unhappy fact of university life today is that there are many Penns and many administrators who thought they were purchasing peace by accommodating political zealots.

The degree of that effort to accommodate is reflected in the central pronouncement of the Penn panel's report—namely the judgment that the theft of the newspapers was a "form of protest" and therefore not criminal behavior. Apparently, then, any assault—including, presumably, the removal and destruction of library books some group considers offensive—might be held immune from prosecution if it's a "protest."

The report goes on to say that rather than taking action, the police should have contacted entities at Penn called "Open Expression Moni-

tors" to study the students' actions. Think we're making that up? Read the nearby excerpt. The panel concludes that the Museum security director's pursuit of the women with the shopping bags was "inappropriate" once those students had left the property of the Museum and was not in "accordance with . . . his job functions." Presumably, then, any thief who wishes to appropriate some invaluable museum piece can now consider himself immune from pursuit, if he can get past the door and grounds.

The report recommends that for his inappropriate behavior, security director Fitzgerald's superiors should review his role for possible disciplinary action. Mr. Fitzgerald—who has been returned to active duty—received a letter of reprimand and will, along with other security personnel, have to attend sensitivity training classes.

There have been other instances in which activists have undertaken to silence opposition views by removing the offending publications. At Penn State (not the same as the U. of Pennsylvania) two former students—journalism majors, no less—made off with four thousand copies of an alternative, conservative student publication called the *Lionhearted*. Here the legal outcome was different. To their credit, the police charged the perpetrators with theft, receipt of stolen property, and criminal conspiracy.

Still, it's a measure of how far the assault on free expression has gone on campuses that the Penn State undergraduate paper, the *Daily Collegian*, actually editorialized in favor of the notion that the removal and burning of the *Lionhearted* was a legitimate act of free expression. Presumably these student "journalists" will soon be making their way into the American press corps.

George Orwell had the word for this sort of reasoning—and for the entire tenor of the Penn panel's report. That word is "doublethink"—a description unfortunately as relevant today as it was in the 1930s.

During his confirmation hearings, Mr. Hackney assured the Senators that his administration took the most serious possible view of the theft of the *Daily Pennsylvanian* papers, and that the students who took them would be disciplined. Just how seriously the university in fact took this attack on the right of free expression will be clear to anyone who wants to take a look at the excerpts of this stunning Orwellian document from the minds running America's campuses.

Clinton's Budget—What's the Theory?

By HERBERT STEIN

"On what thee-o-ry?" Henry Kissinger cried out, when the referee called a penalty against the Redskins at RFK Stadium. I am tempted to make the same cry when I see in the papers that the administration is preparing a campaign to sell its budget package to the American people. The administration believes that its budget package has been misreported and misunderstood. So its spokespeople are going to get on the trail and on the airwaves to persuade people that the program will really reduce the budget deficit, really impose taxes almost entirely on the rich and really cut spending.

I am willing to concede all these claims. But for me, at least, they "don't get anywhere near where the trouble is," to quote Adelaide in "Guys and Dolls." The trouble is a failure to explain what good this deficit cut, this "progressive" tax increase, and these expenditure cuts will do for the American people, and especially how they will produce the promised "jobs, jobs, jobs." In short, there is no theory.

Undoubtedly, there could be a theory. Economists are good at that. Probably there are five young economists on the staff of the Council of Economic Advisers who, if given the assignment, could produce a theory to explain how the budget package not only will create jobs but will create eight million jobs. They also could adduce statistical evidence in support of the theory. Perhaps the paper doing all that now lies on someone's desk on the third floor of the Old Executive Office Building next to the White House. But they have not revealed the theory or the evidence to the public.

Textbook Theory

You see, the argument that raising taxes and cutting spending will create jobs is counter-the-textbook, and by now, almost 60 years after Keynes, counterintuitive. We teach our sophomores that reducing government expenditures cuts demand for goods and services, and that raising taxes cuts private after-tax income and so cuts private demand for goods and services. The cut in demand reduces employment.

We teach our juniors who take macroeconomics courses that, while cutting the

budget deficit will probably reduce employment, it might not do so. Reduction of the budget deficit will lower interest rates, which will stimulate investment demand and so offset, in part, the declines in demand resulting from increased taxes and lower government spending. This offset is unlikely to be complete, because a decline in interest rates will increase the desire to hold money; unless the Federal Reserve supplies more money, the shortage of money will keep interest rates from falling enough to offset the direct contractionary effects of tax increases and expenditure cuts.

In its limited efforts to explain its budget package so far, the administration has relied upon the plan's effect in reducing interest rates and so stimulating invest-

ment. Interest rates have not fallen more because there is an expectation that when the economy recovers, the deficit will still be very large and interest rates will then rise. People are reluctant to buy long-term assets now if they think that a rise of interest rates, and fall of asset prices, is coming. Enactment of a credible deficit reduction package will allay the fear of future interest-rate increases and permit a decline of interest rates now, which will stimulate investment now.

This leaves open the question of whether the prospect of higher taxes and lower government expenditures in the future will dim the outlook for recovery and thereby depress investment now.

• The prospect of deficit reduction will warm the cold heart of the Federal Re-

and uncertain as those I have suggested.

Republicans cannot take much comfort from what I believe to be the difficulty of explaining how the administration's program would increase jobs. The Republicans, or at least most of them most of the time, claim to be as devoted to reducing the budget deficit as Mr. Clinton is. Indeed, they usually say that the Clinton plan would not actually reduce the deficit while theirs would. So they cannot make the argument that deficit-reduction is per se depressing. Also, this is a Keynesian argument, and even though Richard Nixon declared himself a Keynesian as long ago as 1971, Republicans generally still regard "Keynesianism" as a kind of perversion. As for the argument that the preferred GOP way of reducing the deficit is more stimulative than the Democratic way, it would take some pretty fancy footwork to demonstrate that.

Probably both the Democrats and the Republicans are wise to avoid theory and stick to reiteration of words like "tax and spend," "jobs" and "change." The number of people who would like to hear some rational debate is small. But we are at a moment when all kinds of "special interests" are being served, and someone ought to say a word for the "special interest" in theory and evidence.

Just Do It

Despite what I have said, I am in favor of the budget package. I feel about substantial deficit reduction the way I felt about sending a man to the moon. I didn't see any great gain from doing it, but once it became an agreed-upon national objective, I thought its success was important. It is good for the country—for its morale and feeling of competence—to be able to accomplish some big, difficult task it has set for itself, as long as the task is not too foolish. The country—Democrats, Republicans and Perotistas—seems to have agreed that substantial deficit reduction is a very high priority. We should just do it. And since the country has elected a Democratic president, a Democratic House and a Democratic Senate, the only way to do it is the Democratic way.

A former chairman of the president's Council of Economic Advisers, Mr. Stein is an American Enterprise Institute fellow.

Board of Contributors

No one has explained how this deficit cut, this "progressive" tax increase, and these expenditure cuts will produce the promised "jobs, jobs, jobs."

ment demand. But that is, of course, only one side of the story, and we have been offered no reason for thinking that the positive effect of reducing interest rates will be sufficient to offset the negative effects of higher taxes and lower expenditures.

As I have said, theories are imaginable that would explain how the budget package will create jobs, and I can think of a few:

• The administration's plan includes some "targeted" incentives for investment—in small business, for example—that will increase the demand for output. If sufficiently powerful, the effect of this could offset the combined effects of the expenditure cuts, the reduction of after-tax incomes by the tax increases, and the negative incentives for investment generated by the boosts in corporate and individual income-tax rates.

This seems implausible to me, but econometricians might be able to test it.

• Recovery has been slow so far because long-term interest rates have not fallen enough to boost investment very

serve and encourage it to expand the money supply more rapidly, thus stimulating demand and boosting employment.

This assumes that we know something about the heartbeat of the Federal Reserve.

• The level of employment will depend on the relation between the real productivity of labor and the real wages that workers require to get them to accept employment. The budget package will increase the rate of growth of productivity. Reducing the budget deficit will increase the supply of savings available for private investment at any level of national output. In that way it will increase the productivity of labor, raise the wages that employers can offer, and induce more workers to accept employment.

This, it seems to me, would be a peculiar argument for the Clinton administration to make but there is probably something in it, although how much and how fast is unclear. There may be other and better theories to explain how the Clinton budget package would create jobs. But I am sure that they would be as complex

Doublethink at the University of Pennsylvania

Following are excerpts from the report of a panel of University of Pennsylvania administrators appointed to study the theft of one entire press run of the student newspaper. The papers were seized all over campus by black activist students opposed to The Daily Pennsylvanian's editorial content.

The report, which criticizes security guards, absolves the students of any wrongdoing—except failure to show I.D. cards. The panel analyzed what supposedly transpired at each of the campus sites involved. A related editorial appears today.

Individual Incidents on April 15, 1993

1. *Biomedical Library/Johnson Pavilion (6:52 a.m.):* Incident involving two students and two officers responding to a call from a School of Medicine security guard.

The panel found that one officer behaved in a discourteous manner toward the students by ordering them to leave before determining who they were or giving them an opportunity to explain their presence. The panel found that his actions violated Section 5.1.02 of the "UPPD [University of Pennsylvania Police Department] Policies and Procedures Manual" and should be reviewed by his supervisor for possible disciplinary action.

The panel found that the Medical School security guard behaved appropriately by contacting the UPPD.

The panel recommended that all security personnel receive training on working and interacting with people from diverse backgrounds. This training should include information about the diversity of the Penn community and the expectation that all members of the community should be treated with civility and respect regardless of race, color, sex, sexual orientation, religion, national or ethnic [sic] origin, age, disability, or status as a disabled or Vietnam era veteran.

2. *Blockley Hall/Johnson Pavilion (7:48 a.m.):* Incident involving two students, one Medical School security officer, one Medical School Supervisor of Security, one security officer ... and four police officers responding to a call to UPPD that "A black male at Blockley

Hall tried to take all the DP's [Daily Pennsylvanians]."

The panel found that one officer behaved in an unprofessional manner in violation of Section 5.1.02 of the "UPPD Policies and Procedures Manual" by cursing at the student and used excessive force ... by striking the student with his baton. The panel also found that the officer failed to conduct a proper and thorough investigation because he neglected to interview the security personnel who were in pursuit.

3. *David Rittenhouse Laboratories (8:20 a.m.):* Incident involving two students, four officers, and the UPPD dispatcher. When two officers stopped the students carrying a large trash bag outside of DRL, they were informed by the students that this was a protest action.

The panel found that the responding officer ... violated Section 5.22.0 of the "UPPD Policies and Procedures Manual" by not requesting that a supervisor be dispatched to the scene in response to a demonstration.

The panel found that the dispatcher violated UPPD Divisional Directive 92.08 by making a command decision without consulting a supervisor.

4. *University Museum/Sports Medicine (8:16 a.m.):* Incident involving two students, a Museum security guard, a Museum administrator and two officers. The Museum administrator pursued the students, who took the DP's from Kress Gallery, and caught up with them in Weightman Hall, where he made a "citizen's arrest" and detained the students.

The panel found that the Museum administrator's actions in pursuit of the students were inappropriate after they left the property of the University Museum and not in accordance with the authority and responsibility of his job functions. His actions should be reviewed by his supervisor for possible disciplinary action.

The panel found that the students should have shown their Penn cards.

* * *

In summary, the panel concluded that once the incident occurred at DRL [David

Rittenhouse Laboratories], the UPPD should have recognized that the removal of the DP's from at least three different locations was a form of student protest and not an indicator of criminal behavior. According to the University's "Emergency Procedures Protocols" ... the UPPD should have contacted the Office of the Vice Provost for University Life as soon as it recognized that the students were involved in a form of protest. Once the VPUL was notified of the protest, Open Expression Monitors would have been dispatched to observe and monitor the students' actions, in compliance with the existing Open Expression Guidelines. Since this act was a form of protest and not a criminal offense, it would have been more appropriate for Open Expression Monitors, not police officers, to mediate and attempt to resolve any further conflicts that resulted from the removal of the DP's. The Open Expression Monitors could have informed the students about the Open Expression Guidelines, notified them if their actions violated the Guidelines, and identified students who violated the Guidelines.

Recommendations

It is vital that all UPPD personnel receive additional training about appropriate responses ... to student demonstrations and protests. This training must include extensive information on the University's Open Expression Guidelines [and] the role and responsibility of Open Expression Monitors.

The UPPD Policy on handcuffs, Section 5.7.06, should be reviewed ... to ascertain if there are circumstances when it may be inappropriate to handcuff detainees. ... The application of any newly implemented policy should be monitored ... to ensure that the policy is applied consistently, is non-discriminatory, and has no adverse impact on any group of people. After the policy is implemented, data should be maintained by the Department on the race and sex of individuals handcuffed, nature of offenses, and reasons for handcuffing.

House Hobbles Democracy

The Cold War is over, but obviously we face an unstable world, clearly portending a struggle of ideas and values. Yet the House of Representatives voted to scuttle the National Endowment for Democracy, a federally funded outfit that hands out pencils, fax machines and used computers to exile groups pushing to bring democracy to their embattled homelands. This week we'll find out if the Senate duplicates this preposterous move.

The House professed budget-cutting, saving the lordly sum of around \$48 million, or half the funding that goes to the National Endowment for the Humanities (see above). It's also about equivalent to what the U.S. spent on missiles alone when it launched the June 26 strike at Saddam Hussein's intelligence facilities. And the Agency for International Development gets some \$6.5 billion a year. A lot for Third-World pork, but nothing for spreading American values.

In the confusing, regionalized years since communism's retreat, NED's projects have proven particularly useful. The endowment helps Iraqi exiles to fight for secular democracy in their home; its funds helped pay for the distribution of thousands of copies of Charter 91, the exiled Iraqis' draft bill of rights, inside Saddam's Iraq. This year the Free Iraq Foundation, an important center for Saddam's opposition abroad, received \$90,000 in NED money.

NED funds have also helped Ukrainians seeking to widen political discussion in a nation currently led by the former local chief of ideology; Lebanese interested in working on conflict resolution; independent Vietnamese publishers who produced tons of documents, cassettes and printed material designed to alert information-deprived Vietnamese to the

breakdown of socialism in Eastern Europe; and Chinese fighting for democracy in the airless atmosphere following Tiananmen Square.

Writing from his Arizona refuge in support of NED, dissident Fang Lizhi noted that "it would be wonderful if democracy did indeed grow automatically out of economic development, but history gives us, unfortunately, no such guarantees." The publisher of the Vietnamese magazine *Que Me* noted that through NED funding the periodical made "real headway in bringing a flow of information and democratic ideas which was totally denied in Vietnam." Vytautas Landsbergis, Lithuania's opposition leader, called the democracy endowment's work "crucial." Elena Bonner wrote that cutting NED was "penny wise, pound foolish."

What escapes the endowment's opponents is the miraculous economy of NED-style programs. Had the West spent a few tens of millions producing some effective propaganda for the airwaves around Belgrade during the 1980s, for example, Slobodan Milosevic likely would never have gained his Orwellian stronghold on the minds of Serbian nationals. Radio Free Europe never made it into Tito's Yugoslavia because U.S. lawmakers deemed the nation "relatively democratic."

This week promises to bring some interesting news on the foreign aid front: Joe Biden has threatened to filibuster to save the life of another effective information vehicle, Radio Free Europe. Since Congress knocked NED off its version of the budget legislation in June, the agency has received numerous letters of support. NED also has some White House friends who could be of help: until his recent ascendancy, David Gergen sat on NED's board.

Asides

Danny: No Crook

Caught in the throes of the House post office scandal, tax nabob Danny Rostenkowski proclaimed Saturday that he is not a crook. He declined to take questions from reporters. Just in case it has escaped anyone's notice, he has also declined to take questions from a grand jury.

Subpoenaed a year ago to testify on this matter, he responded with a

letter huffing about "prosecutorial overreaching" and citing the Fifth Amendment. For the purpose of whether he ought to go to jail, the Ways and Means chairman is presumed innocent, as he pointed out Saturday. For the purpose of what we should think of the guy deciding how much to tax us, if he's innocent he should tell it to the judge, or at least the grand jury.

Statement by
Sheldon Hackney
Nominee for the position of Chairman,
National Endowment for the Humanities
June 25, 1993

At first glance, my life does not appear to be one that was ever in need of transformation, yet I can bear personal witness to the sort of personal transformation that I believe the humanities have the power to accomplish.

I was born and raised in Birmingham, Alabama, the third son of a thoroughly Methodist family that eventually included five sons, the offspring of a marriage that is now in its sixty-fourth year. My childhood was spent in the Great Depression and World War II, and I was acutely aware that my world was one of scarcity and vulnerability. Nevertheless, and despite the fact that I was continuously terrorized by my older brothers, my childhood was unproblematic.

My father was a newspaperman before the war. As that was not the era of the journalist as hero, and as his family was large, when he returned from the Navy he set himself up in business buying and reselling war surplus material. His business evolved and he eventually did very well.

As I went through public school in Birmingham, like most children of middle-income families, I could imagine various futures for myself, each of them honorable and productive, but I never imagined the life I have actually had. That life was opened up for me in part because of two superb History teachers at Ramsay High School, Mary McPhaul and Ellen Callen, and in part

because I loved to read. My mother read to us a lot when we were young, and when I was a bit older I remember listening wondrously to her practicing the dramatic book readings that she did for literary clubs around the city, legitimate theater not having a very lively presence in Birmingham then. Although reading was a bit of magic for me, I was thoroughly imprisoned in the myth that real boys did not work very hard in school and real men were men of action rather than thought.

The major reason, however, that the world was saved from having yet another lawyer was my older brother, Fain, whom I worshipped. He was charismatic and multi-talented and very imaginative, so that he was always the leader in the neighborhood and the one who would organize our play, not only the standard games like kick-the-can and hide-and-seek, but elaborate war games and a game we called "town" in which everyone had a role selling something, and Fain was always the banker because he could draw so well and make beautiful dollar bills. My brother, Morris, always got the lemonade concession and ended up with all the money that Fain had issued from the bank.

Fain was a young man of grandiose projects, usually too grand ever to finish but always exciting enough to draw in everyone else. Despite all his talent, he had an uneven academic record, reflecting his enthusiasms and his lack of focus, but he had a great time and made all those around him have a great time also. He went off to the University of Alabama where parties

were then known to occur. He had a wonderful time his freshman year, and his abysmal grades showed it.

Something happened to him that following summer, and I don't know what the transforming event or experience was. In any case, he became a different person. He started reading books that were not required for school. He began to listen to classical music, to write poetry, and to talk of serious subjects. He transferred to Birmingham Southern College and started to work at his courses. I was fascinated.

Part of his plan for remaking his life was to become a Navy pilot, which he did. When I went off to Vanderbilt on a Naval ROTC scholarship, he was on the west coast and then in Japan flying amphibious patrol planes. Letters from him were not only reports of adventures in exotic places but accounts of what he was reading and thinking and guilt-producing questions about my intellectual life, which even at Vanderbilt could be as sparse as one wanted it to be.

It was at about this time, because of Fain's example if not his specific recommendation, that I was captured by the novels of William Faulkner, Ernest Hemingway, and especially Thomas Wolfe. I am almost embarrassed to remember how much I identified with Eugene Gant, a young southerner coming of age by trying to read his way through the Harvard library. Vanderbilt was saturated, of course, with the tradition of the Fugitive poets and the Agrarians, and I studied them with appreciation. Though the Agrarians had taken their stand twenty years before in very

different times, and had since then taken diverse political paths, the big questions they had raised (about what is the good life, and what is the value of tradition, and what is the function of government, and what are the perils of modernity) were common and lively topics of debate among my friends.

We also talked of race relations, an omnipresent concern of Southerners black and white that was intensified by the Supreme Court's ruling in the Brown case. For reasons that I find difficult to explain, but that probably have to do with my religious training, I had broken away from southern white orthodoxy even before going to college and concluded that racial segregation was wrong. As a historian, I have continued my interest in race because it is a major factor in American history. As an individual, I have continued my commitment to racial equality because I believe it is right and that group relationships are the major unresolved question on the domestic scene. In the more formal curriculum at Vanderbilt, Dewey Grantham, Herb Baily and Henry Swint in the History Department increased my interest in History.

I was devastated by the death of my brother in a military plane crash in Japan in 1954 during the summer after my sophomore year. He had meant so many things to me that it was not until years later that I realized that his most important gift to me was to give me permission to use my mind in serious ways, to risk pursuing a subject that I enjoyed, to spend my life in pursuit of

education for myself and for others. Watching him change, and being lured into the pleasures of thought as a way of enhancing experience, transformed my life and gave it purpose.

After three years on a destroyer and two years teaching weapons at the United States Naval Academy in Annapolis, I went to Yale to study under C. Vann Woodward, the leading historian of the South and the man who became the most important influence on my career as a historian and on my devotion to academic freedom, intellectual honesty, free speech, and the obligations of collegiality. I had been attracted to Woodward not only by his reinterpretation of the history of the South from Reconstruction to World War I, but by his subtle exploration, in the essays collected in The Burden of Southern History, of what it means to be a Southerner and what the history of the South means to the nation and the world.

After Yale, I joined the faculty of Princeton, where I worked away at becoming the best teacher and scholar I could possibly be, while raising a family and doing the sort of committee assignments and quasi-administrative tasks that faculty are called upon to do. My career as a historian, in fact, was diverted because I kept saying yes to such requests. When William G. Bowen became President of Princeton in 1972, he invited me to become Provost. The slippery slope turned into a water chute. I became President of Tulane University in 1975 and of the University of Pennsylvania in 1981. This confirms the

truth of the aphorism that life is what happens to you while you are planning something else.

I believe my twenty years of major responsibility in universities has prepared me to lead the National Endowment for the Humanities. For the past generation, universities have provided tough environments. University presidents operate in a sea of powerful and conflicting currents. To succeed, one must have a clear sense of strategic direction, a fundamental commitment to the core values of the university, the strength to persevere through contentious times, and the ability to gain and keep the support of a variety of constituencies. I have not only survived in that environment, I have prospered and my institutions have thrived.

Among the values that I hold dear is a belief that a university ought to be open to all points of view, even if some of those views expressed are personally abhorrent. I take some pride in having protected the right to speak of such diverse controversial figures as Robert Shockley at Princeton, King Hussein of Jordan at Tulane, and Louis Farrakhan at Penn. The university should belong to all of its members and not be the exclusive domain of any particular person, group, or point of view.

During my twelve and a half years at Penn, I have made the undergraduate experience my highest priority. Penn has revamped the general education components of the curriculum in each of its four undergraduate schools, provided a livelier sense of community

through the creation of freshman houses within the residential system, added a reading project that asks freshmen to read a common book and then to discuss that book in seminars during orientation week and throughout the year, revised our advising system, revitalized the freshman seminar program, and drawn senior faculty into the teaching of introductory courses. I have increased the diversity of the Penn student body and worked hard to sustain an inclusive and supportive atmosphere on campus, a campus in which everyone has a very strong sense of belonging and in which our animated debates are carried out with civility. I have also created a new sense of partnership with the neighborhoods around us, a close working relationship with the school system of the City of Philadelphia, and a national model program of voluntarism that I institutionalized a year ago by establishing the Center for Community Partnerships to stimulate and coordinate the involvement of faculty, staff and students in off-campus service activities.

Universities exist to create new knowledge and to preserve and communicate knowledge. The NEH, as a sort of university without walls, through its research, education, and public programs, is engaged in the same effort. I am dedicated to the proposition that we can improve the human condition through knowledge, and that our hope for tomorrow in this troubled world depends on the sort of understanding that can come through learning.

I have great respect for the NEH. It is the single most important institution in American life promoting the humanities, and it has a long record of accomplishment. I believe there are things that can be done to extend and broaden the impact of the NEH as it fulfills its statutory task of stimulating the humanities.

I like to think of the humanities as human beings recording and thinking about human experience and the human condition, preserving the best of the past and deriving new insights in the present. One of the things that the NEH can do is to conduct a national conversation around the big questions: what is the meaning of life, what is a just society, what is the nature of duty, and so on. In this big conversation, it is not the function of the NEH to provide answers but to insure a discussion, to create a forum in which all voices can be heard. ✓

Because they are not just for the few but for everyone, no single approach to the NEH mandate is adequate. There is a need for balance among research aimed at creating new knowledge, educational programs to insure that the humanities are creatively and invitingly represented in the curricula of our schools and colleges, and public programs to draw everyone into the big conversation. Those three activities should be related to each other and should be mutually supportive.

The country has never needed the humanities more. We not only face the challenges of a new geopolitical situation, and the problems of adjusting to economic competition in a new global

marketplace, but we face a crisis of values at home. What is happening to family and community? Who are we as a nation and where are we going? What holds us together as a nation and what do citizens owe to each other? What is the relationship of the individual to the group in a society whose political order is based upon individual rights and in which group membership is still a powerful social influence?

Even more importantly, the humanities have the capacity to deepen and extend to new dimensions the meaning of life for each and everyone of us. They have the capacity to transform individual lives, not necessarily in the external circumstances of those lives, but in their internal meaning.

Every human experience is enhanced by higher levels of knowledge. When I listen to a piece of music, I may like it and think it beautiful, but the person who knows the historical context of its composition, understands what the composer was trying to accomplish technically, and can compare the composition and the performance to others will get infinitely more out of the experience than I will. That is why I enjoy talking about common experiences with people who will see it through a lens different from mine. The task of the NEH is to enrich the conversation and bring more people into it.

The premise of my approach to the tasks of the National Endowment for the Humanities is simple but profound. The more you know, the more you hear and see and feel. The more you know, the more you can know. The more you know, the more meaningful

life is. Such can be the gift of the NEH to the American people.

**STATEMENT BY FLOYD G. BROWN
ON NOMINATION OF SHELDON HACKNEY,
NOMINEE FOR CHAIRMAN OF THE NATIONAL ENDOWMENT
FOR THE HUMANITIES (NEH)**

June 25, 1993

Floyd G. Brown:

Good morning. Today the Senate will hold hearings into the qualifications of Sheldon Hackney, President Clinton's nominee for chairman of the National Endowment for the Humanities. But as his record as President of the University of Pennsylvania clearly shows, Sheldon Hackney is more interested in pushing liberal orthodoxy than in protecting free speech and expression.

With me here today are two students from the University of Pennsylvania who experienced first hand the hatchet Hackney took to the Constitution when he upheld political correctness on campus rather than freedom of speech for *all* students.

In a moment, I will introduce to you Eden Jacobowitz and Gregory Pavlik, who will each share with you their experiences with the anti-free speech codes at the University of Pennsylvania under Sheldon Hackney. As these two young men will illustrate, Hackney's hypocrisy in regard to First Amendment rights is clear.

Eden Jacobowitz was brought up on charges of racism for the now famous "water buffalo" remark which he made to a group of noisy students underneath his dorm room window. Mr. Hackney turned the other way.

Gregory Pavlik's conservative column in the *Daily Pennsylvanian* resulted in the theft of 14,000 copies of the paper by angry students. Mr. Hackney turned the other way.

But when Louis Farrakhan, a guest speaker on campus, delivered speeches filled with racial hatred, Hackney staunchly protected Farrakhan's rights to free speech. And

when members of a campus homosexual group chalked obscene slogans on campus sidewalks, Hackney forbid maintenance workers to wash them off, so as not to infringe on their right to free expression.

Sheldon Hackney's abuse of these students' First Amendment rights goes beyond partisanship. The right to free speech is not protected only for those who agree with established leadership. But under Sheldon Hackney's direction, freedom of speech was championed for some students and ignored for others. In America, this does not stand.

In addition to his disregard for the First Amendment, Sheldon Hackney has also shown that he cannot be trusted to handle government money in an ethical or legal fashion, as he would be required to do in his new position at NEH. A 1989 congressional probe into the use of federal research grants by institutions of higher learning exposed Hackney's habit of charging questionable expenses to the government as "research" money, including thousands of dollars for the general upkeep of his university-provided mansion.

Hackney also charged the government for expenses specifically prohibited by federal rules, such as mailings made to an alumni association and hotel rooms for a football game. At the NEH, Hackney will inherit a \$160 million budget. Think of all the football games he could go to with that kind of budget.

The 150,000 members of Citizens United believe in a government ruled by honesty and integrity. It is on their behalf that I stand here today urging President Clinton to withdraw Sheldon Hackney's nomination. If the President lacks the courage to do so, then it is my sincere hope that the U.S. Senate, on behalf of all Americans who believe in a fair and balanced application of the First Amendment, will reject this nominee as unfit for this important post.

I would now like to introduce Eden Jacobowitz followed by Gregory Pavlik. After their statements have been made, we will answer any questions you may have.

Floyd G. Brown is Chairman of Citizens United, a 150,000 member citizens' organization dedicated to restoring our government to citizen control. Mr. Brown is also the author of the book, *"Slick Willie: Why America Cannot Trust Bill Clinton"*, and editor of *ClintonWatch*, a monthly newsletter analyzing the Clinton administration. For more information, contact Citizens United at (703) 352-4788.



Founded in 1988

Mission Statement Citizens United

Citizens United is an organization dedicated to restoring our government to citizen control. As government has continued to expand, special interests and the bureaucracy have come to dominate it at every level. This trend has isolated our government from its citizens, putting it dangerously out of touch with the people it was meant to serve. Through a combination of education, advocacy, and grass roots organization, Citizens United seeks to reassert the values of limited government, freedom of enterprise, strong families, and national sovereignty & security.

Our goal is to restore the founding fathers' vision of a free nation guided by the honesty, common sense and goodwill of its citizens.

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