

Almanac

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Pullouts: Open Enrollment; April at Penn

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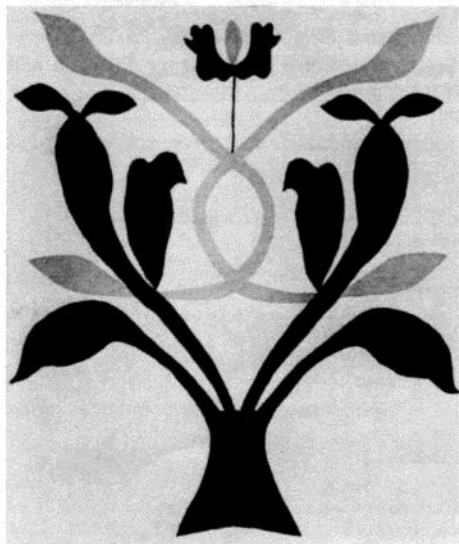
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Release of Chris Clemente

Christopher Clemente was released at 5 p.m. Monday, days after his mother, Barbara Jenkins, had posted his \$25,000 bail. Ms. Jenkins had spent some seven hours Friday attempting to turn over the \$25,000 cash raised by relatives, which officers at Manhattan Detention Center would not accept until 9 p.m.; then she learned that the New York District Attorney had placed a 72-hour "security hold" on Mr. Clemente, which his attorneys later explained was to allow the court time to determine that the funds came from a legal source. After paperwork was completed at noon Monday, a further five hours' delay was reported by Ms. Jenkins.

On campus, supporters of Mr. Clemente raised some \$19,000 last week from faculty, students and administrators. These funds will be forwarded to the family to relieve what a chief organizer of the bail fund drive, Dr. Michael Zuckerman, described as a severe financial strain. Dr. Zuckerman, master of Van Pelt College House where Chris Clemente had been a resident until his arrest in New York on January 12, told *The Daily Pennsylvanian* there were two \$5000 contributions from students who asked to remain anonymous, and another \$5000 from the Christian Association's executive committee.

Monday night Ms. Jenkins said her son is still undergoing medical follow-up for the stab wounds he suffered in an attack by two inmates at Riker's Island Prison.



It is one of forty on view April 7-11; thousands will pay to see them and more; and the proceeds go to HUP. See page 7.



Dr. Davies



Dr. Phillips



Dr. Shoemaker

Changing of the Guard at Senate: With the uncontested election of this year's slate, the Faculty Senate leadership is complete for 1990-91. Dr. Almarin Phillips, center above, takes office May 2 as chair while Dr. Robert Davies, left, moves to past chair. Newly chosen as chair-elect, and thus part of the three-member team which as the Consultation Committee meets regularly with the President and Provost, is Dr. Louise Shoemaker, right. See page 2 for the full list of incoming officers.

Computer Virus Threat

Microcomputer Alert: April 1—IBM and Compatibles

An especially destructive computer virus set to "go off" on April 1 was recently discovered in West Germany. This virus attaches itself to ".com" files on IBM and IBM-compatible microcomputers. The only way currently known to detect it is by using any popular utility program (such as Norton Utilities and PC Tools) to search for the virus's "signature" in the first 7 bytes of a ".com" file: EB 07 0A 03 59 00.

Anyone can call the Computing Resource Center, Ext. 8-9085, and make an appointment to bring in copies of their ".com" files on diskette (or bring in their hard drives) to be checked for the virus.

The virus destroys all data on hard drives and diskettes inserted into the computer. A precaution for users of microcomputers is to backup their data files.

Although no current information has surfaced on the worldwide virus alert list about Macintosh or UNIX-based computers, all users should be aware that April 1 may bring out the worst in virus terrorists. Be alert for any unusual system behavior.

—Computing Resource Center

Council: Harassment, Part One

After an hour's discussion Wednesday on the desirability of revising campus policies on harassment in view of last fall's district court ruling against Michigan's similar policy, the University Council voted to continue the topic to the April meeting. A background discussion on the First Amendment and categories of speech that may or may not have its protection appears on page 5 of this issue.

For the first time since 1981, Council was chaired by a moderator instead of the President, in line with one of the proposals made by the Senate's ad hoc Committee to Review University Council (*Almanac* March 20). Dr. David Hildebrand, professor of statistics, took the moderator's post, applying to the debates the time limits set by the Steering Committee, as members of Council gave sometimes heated views on free speech and harassment policy, the Clemente case, and fraternity conduct cases now before the JIO.

See page 3 for the official summary of the meeting, and page 4 for resolutions.

Trustees: 1991 Tuition Passed

The Trustees Executive Committee formally adopted on Friday the proposed undergraduate and graduate tuition and fee scales shown in the Provost's *Almanac Supplement* (March 20.). They also passed resolutions on physical improvements including construction of the Institute of Neurological Sciences, design of a new Law School Library building, and exterior renovations at King's Court.

From the Chair

The following column was prepared for *The Daily Pennsylvanian's* 250th Anniversary series and appeared there on March 22.

Fairness: Then and Now

When I first came to Penn from Oxford in 1955 to give a lecture, I was surprised to be told that I had already been appointed, without my knowledge, as a Professor of Biochemistry in the Medical School with tenure. All I had to do was to come. So I came on April 1, 1956 for what I had planned to be a sabbatical year, and somehow it has extended itself.

Pictures and anecdotes will tell you that the University was physically very different. The trolleys along Woodland Avenue (between College Hall and the place where the Van Pelt Library is now) were just going underground. For about the next decade the University was to have at any time about \$100,000,000 worth of buildings under construction. The place was growing rapidly and there was also a lot of intellectual ferment associated with the Educational Survey (the reports are now in the Van Pelt Library), which investigated virtually every part and aspect of the University and guided the future of the institution for very many years.

Although women had at last been allowed to sit on benches in College Green, there was still a separate College—for men of course—and a College for Women. Women were then very rare, and all minorities even rarer, in the Graduate and Professional Schools, and, for example, in the School of Veterinary Medicine, the minimal admissions requirement for big strong women was a 3.5 GPA, but only a 2.5 GPA for men. Small women just were not welcome. There were no high-rises. Few students lived in dormitories, and most commuted. First Year students (Freshmen!) had to wear caps ("beanies"), and dress and other codes were strictly enforced. The University had far less diversity among its faculty and students than now.

But far more telling to my mind is the difference between then and now in the mechanisms for the redress of grievances. At best those available 35 years ago were informal and often ineffective—as were the channels for participation in University life and decision-making.

There were no Guidelines on Open Expression, Grievance Procedures, Policies on Racial and Sexual Harassment, Committee on Conduct, Affirmative Action Officers, armed Security Officers (Police!), Ombudsman, or General Counsel. There was no University Council. There was no Faculty Club. There was no journal of record as *Almanac* is now. Smoking was ubiquitous, and decisions really were made in smoke-filled rooms by white males. There was far less involvement of elected faculty in University governance. Students had virtually no power and not much voice. Harold Stassen's activities as President of the University had helped cause the Faculty to form a Faculty Senate with a Senate Committee on Academic Privilege and Tenure, which later became the Senate Committee on Academic Freedom and Responsibility. The Pennsylvania Loyalty Act concerning "subversive" persons was in force, but Penn's institutional behavior during the McCarthy period was exemplary. On the other hand, there were still many highly-classified military research programs being undertaken at the University, several of them so secret that only their code name were known to people without clearances, e.g. Big Ben, Spicerack, Summit,....etc.

The climate of the University and its attitudes to students can be understood from such incidents as this: the Chairs of the Graduate Groups in the Medical Sciences were asked to rule on the following situation. A male graduate student and a female undergraduate student were found to have spent a night together in a motel. The woman was suspended for a year, according to regulations, but there were no rules to deal with the man. I proposed that no action be taken against him and that none should have been taken against her, but nobody seconded the motion. At a subsequent meeting, when nobody had any other suggestion, that motion passed, and the man remained (and kept his fellowship). Eventually the woman was reinstated; but the obvious differential treatment of these two students in the early 1960's, together with much student protest, locally and nationally helped along the process that led to the present situation where consensual sexual activities among students are no longer considered an important matter of University concern.

I have by now experienced the University with three presidents and ten provosts or acting provosts. It really is heartening to see how far we have come in the last thirty-five years. It is also clear that we have a long, long way to go. I firmly believe that Penn is at the forefront of institutions that care about justice and the involvement of its members in governance. The progress to a situation where all members of the University community will agree that there is equal justice and opportunity for all with no invidious discrimination will no doubt be annoyingly slow but, I hope, will nevertheless be sure. If we all care enough, we can make it certain and soon.

Robert E. Davies

From the Senate Office

The following is published in accordance with the Senate Rules.

Agenda of Senate Executive Committee Meeting Wednesday, April 4, 1990, 3-5:30 p.m.

1. Approval of the minutes of March 7, 1990.
2. Chair's Report.
3. Vote on SEC's continued participation in University Council (Question #2 passed by the Faculty Senate in the 5/9/89 mail ballot)
4. Provost's ten working group reports
5. Proposed additional revision of child care leave policy
6. Function of the Medical Faculty Senate, Stanton Segal
7. Council agenda April 11
8. University involvement and costs in the United Way campaign
9. Other new business
10. Adjournment by 5:30 p.m.

Questions can be directed to Carolyn Burdon, Faculty Senate Staff Assistant, Ext.8-6943.

Faculty Senate Officers Elected for 1990-91

No additional nominations were received by the deadline and therefore the Senate Nominating Committee's slate of nominees is hereby declared elected. Effective May 2 the Faculty Senate Officers for the coming year will be:

Chair: Almarin Phillips (public policy & management)
 Past Chair: Robert E. Davies (animal biology/veterinary)
 Chair-elect: Louise P. Shoemaker (social work)
 Secretary: Gary Hatfield (philosophy)
 Past Secretary: Mary Catherine Glick (pediatrics)
 Secretary-elect: Susan Watkins (sociology)

Newly elected as at-large members of the Senate Executive Committee for 3-year terms:

John L. Bassani (mechanical engineering)
 Helen C. Davies (microbiology/medicine)
 Sol H. Goodgal (microbiology/medicine)
 Morris Mendelson (finance)

Newly elected as at-large members of the Senate Executive Committee for 2-year terms:

Jean Crockett (emeritus finance)
 Marten Estey (emeritus management)

Newly elected as an at-large member of the Senate Executive Committee for a 1-year term:

Roger H. Walmsley (physics)

Newly elected as an assistant professor member of the Senate Executive Committee for a 2-year term:

Francis X. Diebold (economics)

Newly elected to the Senate Committee on Academic Freedom and Responsibility for 3-year terms:

Howard Arnold (social work)
 Lucienne Frappier-Mazur (romance languages)
 Robert M. Schwartzman (dermatology/veterinary)

Newly elected to the Senate Committee on Academic Freedom and Responsibility for a 2-year term:

Peter Kuriloff (education)

Newly elected to the Senate Committee on Academic Freedom and Responsibility for a 1-year term:

Ian Harker (geology)

Re-elected to the Senate Committee on Conduct for 2-year terms:

Helen C. Davies (microbiology/medicine)
 Jerry C. Johnson (medicine)
 Robert F. Lucid (english)

Newly elected to the Senate Committee on the Economic Status of the Faculty for 3-year terms:

Leonard J. Bello (microbiology/veterinary)
 Henry Teune (political science)

Newly elected to the Senate Committee on the Economic Status of the Faculty for a 2-year term:

Jeremy J. Siegel (finance)

The terms of the new Faculty Senate Officers and the newly elected members of the Senate Executive Committee begin with the taking up of new business at the Senate Executive Committee meeting scheduled for May 2, 1990. The terms of the newly elected members of the Committees on Academic Freedom and Responsibility and Economic Status of the Faculty begin on May 1. Full committee memberships will be published this Fall in *Almanac*, or contact Faculty Senate Staff Assistant Carolyn Burdon, 15 College Hall/6303, Ext. 8-6943.

OF RECORD

Reminder About Passover

This year April 10 and 11 are the first two days of Passover (starting at sundown April 9) and April 13 is Good Friday. I wish to remind faculty and students of the University's policy on religious holidays which stipulates that no examinations shall be given or assigned work made due on these days.—M. A.

Policy on Secular and Religious Holidays

Effective July 1, 1989

After extensive discussions with Deans, faculty, and students, I wish to restate the University's existing policy on both secular and religious holidays. Except as noted below, this policy is applicable to all undergraduate, graduate and professional academic programs.

1. No secular or religious holidays are formally recognized by the University's *academic calendar*. However, in setting the academic calendar for each year, the University does try to avoid obvious conflicts with any holidays which involve most University students, faculty and staff, such as July 4, Thanksgiving, Labor Day, Christmas and New Year's.

2. Other holidays affecting large numbers of University community members include Martin Luther King Day, Rosh Hashanah, Yom Kippur, the first two days of Passover, and Good Friday. In consideration of their significance for many students, *no examinations may be given and no assigned work may be required on these days*. Students who observe these holidays will be given an opportunity to make up missed work in both laboratories and lecture courses. If an examination is given on the first class day after one of these holidays, it must not cover material introduced in class on that holiday.

Faculty should realize that Jewish holidays begin at sundown on the evening before the published date of the holiday. Late afternoon exams should be avoided on these days. Also, no examinations may be held on Saturday or Sunday in the undergraduate schools unless they are also available on other days. Nor should seminars or other regular classes be scheduled on Saturdays or Sundays unless they are also available at other times.

3. The University does recognize that there are many other holidays, both religious and secular, which are of equal or greater importance to individuals or groups on campus. Such occasions include, but are not limited to, Memorial Day, Sukkot, the last two days of Passover, Shavuot, Shemini Atzeret, and Simchat Torah, as well as the Muslim New Year, Ra's al-sana, and the Islamic holidays 'Id al-Fitr and 'Id al-Idha. Students who wish to observe such holidays must inform their instructors within the first two weeks of each semester so that alternative arrangements convenient to both students and faculty can be made. Students who make such arrangements will not be required to attend classes or take examinations on such days, and faculty must provide reasonable opportunities for such students to make up missed work and examinations. For this reason it is desirable that faculty inform students of all examination dates at the start of each semester.

—Michael Aiken, Provost

AAUP: On Redaction

Redaction—Pros and Cons is the topic of discussion of the Penn Chapter of AAUP's Spring Meeting of the Board of Directors Tuesday, April 3, 1990, 12:30-1:30 p.m., Nursing Education Building, floor 4-L in the conference room.

Board meetings are open to all members of the University faculty. Brown bag.

Search: Harnwell Professorship

The President and the Provost have charged a search committee to make recommendations of faculty members for the Gaylord P. Harnwell and Mary Louise Harnwell Professorship. The present, distinguished incumbent, Dr. Harry Harris, will become emeritus on June 30, 1990.

The Chair is not confined to a specific school, department, or discipline. The main qualifications are the depth and breadth of the scholarship and the national and international reputation of the proposed faculty member.

Nominations should consist of a one-page statement, the names of three scholars, inside or outside of the University, who could recommend the nominee, and a full curriculum vitae with a list of publications. Seven copies should be sent to Eliot Stellar. Please enclose a self-addressed acknowledgement card, so we can be sure all nominations have been received. *The deadline is Monday, April 16.*

Members of the search committee are:
Eugenio Calabi Robert L. Goodman
Alan N. Epstein Jack M. Guttentag
Louis A. Girifalco Elizabeth Johns
Eliot Stellar, Chair
(243 Anatomy/Chemistry/6058
Ext. 8-5778

Please call the chair or any committee member for further information.

COUNCIL

Summary of Meeting March 21, 1990

President Hackney reported that:

A. The University administration is concerned about the welfare of Christopher Clemente. It is not possible to post bail because University expenditures must be even-handed and consistent with the University's educational interest.

B. The University is saddened by the deaths of Sandy Moy (Nursing), Kenneth Garlikov (Wharton), and Jordan Greenwald (Linguistics).

C. Safety and Security concerns remain paramount so the University administration is particularly concerned about the attack on R.J. Bannister.

D. The award of Mellon Fellowships in the Humanities to Sharon B. Block in History and Laura H. Mann in Art History is a great honor for them and for the University.

Provost Aiken reported that:

A. The SEAS and Wharton Searches were nearing completion and hopefully the new Deans will be announced by April 15.

B. Professor Leslie Dutton, Professor Rosemary Stevens, and Dr. Hamid Dabashi have received distinguished awards.

C. A Satellite Communications Technology Committee has been formed.

D. March 29 is the opening date for the Center for Study of Black Literature and Cul-

ture. The Chair called attention of the Council to the report of The Ad Hoc Committee on the Participation of the Faculty in University Council published in March 20 *Almanac*.

Mr. Saadi-Elmandjra of GAPSAs reported that:
A. The Graduate Students are saddened by the death of three students.

B. GAPSAs remains concerned about the University counseling system.

C. The following [page 4] three resolutions were adopted by GAPSAs.

The GAPSAs resolution about graduate student activity funding was withdrawn by Mr. Saadi-Elmandjra because discussion with the Provost was resolving the questions.

There was a seventy-five minute discussion on whether the University's harassment policies should be revised in light of the Michigan court decision.

Professor C. Edwin Baker gave a "content neutral" presentation of the issues. [See transcription, page 5.]

Comments were made by Ms. Pam Inglesby, Professor Michael Cohen, Mr. Goldstein, Mr. Pringle, Professor Alan Kors, Professor Phyllis Rackin, Ms. Elizabeth Hunt, Mr. Dan Singer, Professor Larry Gross, Mr. Vincent Phaala, Mr. Mohamed Saadi-Elmandjra, Professor Helen Davies, Professor Anthony Tomazinis, Mr. Scott Kurashige, Mr. Wayne Glasker, Profes-

sor Robert Davies, and President Hackney about the issue.

Professor Robert Davies proposed the following resolution: *This meeting of University Council believes that there should be some revision to University harassment policies.*

Mr. Phaala proposed that a vote on this resolution be postponed until all interested have had an opportunity to be heard. A vote was taken: 20 in favor of postponement, 17 against postponement, and 2 abstentions.

Mr. Karsch of the UA in his last report as UA President reported that:

A. Elections are scheduled for April 3-4 with Steering Committee elections on April 8.

B. The Letter Drive to persuade Congress to increase money available for financial aid is underway.

C. A series of referenda are scheduled about changing undergraduate student government.

D. The U.A. representatives to Council are congratulated for their excellent performance of duty.

At the request of President Hackney, the Council consented to the appointment of *Professor David K. Hildebrand as Moderator.*

The Council passed with four abstentions the following [page 4] resolution about South Africa.

—Duncan Van Dusen, Secretary

Resolution Passed at Council March 21: On South Africa

On the auspicious occasion of the release of Nelson Mandela by the South African government, we commend the actions of the University of Pennsylvania in January and June 1986, which condemned apartheid and committed the University to a policy of divesting of the stocks and bonds of companies that did not withdraw from South Africa by June 1988.

Actions such as these, and the sanctions imposed by the U.S. government, generated much of the pressure that led, ultimately, to Mandela's release.

Consistent with the conditions set forth in the "Report of the Committee on University Responsibility To the Trustees, With Recommendations," dated January 16, 1986, we urge that the policy of divestiture be continued until the legal structure of

versity Police Department from their duties.

We therefore urge that the incident be investigated immediately and that the perpetrators be punished to the full extent of the law and University judicial charter. In light of the recent punitive measures that have already been taken by the national organization of the Pi Kappa Alpha Fraternity, we wonder what the University is doing regarding this matter and why the community has had no information on the development of this case. We demand therefore that the University community be informed without any further delay on the progress of the investigation.

On the Clemente Case

1) We, the members of the Graduate and Professional Student Assembly are disturbed by the procedural questions raised by the University's handling of the Chris Clemente suspension. Although the suspension was eventually revoked, we feel that student concerns regarding "administrative suspension" and the hearing process involved with this procedure need to be addressed and the process clarified.

There also has appeared to be an extraordinary range of actions and expeditiousness in the handling of a number of recent cases under the judicial process.

Finally, we feel that the administration should acknowledge its error in the original suspension action and issue a formal apology to Chris Cle-

mente for damaging his case and reputation and to the student body generally for the perceived threat to student rights.

[A second section, urging University participation in bail, was included.]

On Appreciation to the Annenbergs

Whereas, Walter and Leonore Annenberg have been loyal friends and supporters of the University of Pennsylvania over the years, and

Whereas, the Annenbergs have generously founded The Annenberg School for Communication, a leading graduate school in the communications field, and

Whereas, the Annenbergs have been the most generous contributors to the University of Pennsylvania of all alumni, and

Whereas, Walter and Leonore Annenberg have loyally served the University of Pennsylvania as Trustees, loyal alumni, and in other capacities, and

Whereas, the Annenbergs have generously donated \$20.5 million to the University of Pennsylvania this year for [gifts to the History Department, Annenberg School, SAS and Chisum Fellowship, spelled out in the full text],

Be It Resolved that the Graduate and Professional Students Assembly commend the Annenbergs for their continuing strong support of graduate education at the University of Pennsylvania and thank them for their most generous gifts.

GAPSA Resolutions

Reported to Council March 21; Not for Action

On the Pi Kappa Alpha Fraternity "Prank"

We, the members of the Graduate and Professional Student Assembly, are disturbed by the "prank" robbery staged by members of the Pi Kappa Alpha Fraternity. We strongly condemn such irresponsible acts which jeopardize the entire community by distracting officers of the Uni-

Speaking Out

No Conflict

As members of the Committee to Review the Guidelines on Open Expression, we are restricted by confidentiality from commenting on the deliberations of that committee. As individuals, however, we have had ample opportunity to consider issues of open expression in relation to the serious problems of racial, sexual and other forms of institutionalized harassment on this campus.

Our committee has proposed (*Almanac* March 20) the addition of the following sentence to the "Principle" section of the Guidelines: "In case of conflict between the principles of the Guidelines on Open Expression and other University policies, the principles of the Guidelines shall take precedence."

We would like to make it clear to the University community that this proposed addition to the Guidelines must be taken for nothing more than what it is. It is not an implicit move toward a removal of or narrowing of the current harassment policy. One does not follow from the other. Nor, in a world of complex issues, is the possibility of the potential for poor fit among university policies either totally unexpected or necessarily harmful. There has been much discussion of apparent or potential conflict between the harassment policies and the principles of open expression. This statement would serve to guide the University community should such a conflict arise.

Our ability to have and to recognize this commitment to free speech is a privilege—one that places a great respon-

sibility upon us, as a community, to protect our members from consistently enacted harassment. It is the institutionalized support of harassment by our culture, and our university, that is both most harmful and most difficult to identify and prevent. If evaluating the harassment policies in light of open expression will give us more opportunity to think about or enact this responsibility, then we should. But not with the idea that our commitment to ending harassment has in any way been curtailed.

—Ivan Barsky, SAS
—Susan Garfinkel, SAS

On Animals and Research

The Steering Committee of the Medical Faculty Senate endorses the resolution [*Almanac* February 13] of the University Faculty Senate Executive Committee condemning recent actions of animal rights activists against Dr. Adrian Morrison.

We deplore the criminal vandalism and theft committed against Dr. Morrison's office and also condemn the vicious personal harassment to which Dr. Morrison has been subjected. We affirm our unequivocal support of Dr. Morrison's right to engage in research on animal subjects, in conformity with the University and Federal standards regarding use of laboratory animals. We also affirm our unequivocal support of his right to express his views publicly without being subjected to reprisals.

—Giulio J. D'Angio,
Chair, Steering Committee,
Medical Faculty Senate

The New Generation

The letter below was sent to Medical Student John Alexander, first author in a response to the "Doctors in Distress" series in *The New York Times* February 18-20. (See *Almanac* March 21 for a reprint of the students' letter.)

After reading the letter from you and your classmates in the March 11th *New York Times* I could not refrain from telling of how proud you make the profession. You are on the threshold of one of the greatest eras of medicine and you clearly know it. My hope is that the physicians of today can recapture some of their original enthusiasm and leave behind a profession that is better than when we started.

You are the new generation with new aspirations, expectations and goals, and you have captured the essence of what medicine is all about. Continue to grow and spread the word. Whatever the uncertainties, the problems, or anxieties we may face, this is still the most exacting, the most exciting and most rewarding profession there is. I salute you for your perceptiveness and early dedication. Our profession will be the better as the new generation emerges. Enjoy your work to the fullest and you will never regret your decision. Participate fully in your profession and you will reap untold intangible rewards.

Please share this letter with your colleagues, for you are the ones who will keep our profession great.

Good luck and Godspeed.

—James S. Todd,
Acting Executive Vice President,
American Medical Association

As background to the University Council's March 21 discussion of University harassment policies, the Steering Committee asked for a short presentation from the Nicholas F. Gallicchio Professor of Law, whose book on Human Liberty and Freedom of Speech just came out from Oxford. The following is from a transcription of his remarks.

The First Amendment and Harassment by Speech *by C. Edwin Baker*

I should open with two caveats. First, the proper constitutional treatment of speech that harasses on a racial basis is very much debated in the legal academic community at present, and there is no widespread consensus about most of the legal issues that I'll be describing. Still, I'll try to give you a sort of black-letter-law description. Second, I'm going to talk about the law as if the University of Pennsylvania were under the First Amendment, as if it were a state university. Whether or not the Constitutional provision applies to the University of Pennsylvania the same way it would apply to a public school is a separate legal issue. I will assume for purposes of discussion that people want the University to live up to the standards that would be constitutionally imposed on a state university.

There are a variety of categories of speech which can be prohibited consistent with the First Amendment as currently interpreted by the Supreme Court. I will begin by considering whether racially harassing speech fits into any of these categories.

— Some *individual libel* is unprotected. But not very much racial harassment can be put in the category of individual libel. Individual libel pretty much has to be both about a specific individual—and most racial harassment speech takes a more general form. Moreover, to be libelous, the speech must assert, in a very objective sense, a false statement of fact—and most racist speech is more opinion. The attempt to put it in the fact category cannot be easily done. Of course, one could argue that everything is opinion, there is no such thing as objective fact. Put that aside—we do have to draw the distinctions and for the most part what would be considered racist speech would be considered opinion—and thus, not unprotected as libel.

— Secondly, there is a category of speech that can generally be described as *group libel*. Roughly forty years ago the Supreme Court upheld a prosecution for group libel or racist speech. And if we accept that opinion as law, racist speech, appropriately defined, wouldn't be protected by the First Amendment. Nevertheless, at least for the last 25 years the vast majority of the legal commentators have concluded that that decision is not the law. Both the academic world and all the court cases that I've seen have treated that old decision as if it is no longer valid. The general conception, certainly in the courts and among a majority of legal scholars, is that group libel is not a category of speech which can be prohibited.

— Third, Professor Davies* has noted a third category of speech, which can be called *fighting words*, that the Court has treated as not protected by the First Amendment. How one interprets the category of fighting words is a matter of some dispute; and even whether it is still a valid category of excluded speech, speech not protected by the First Amendment, is debated among legal scholars. Still, the Supreme Court seems to recognize the category of fighting words as not protected by the First Amendment. It views fighting words as more like throwing the first punch than like other verbal behaviors. But it is also quite clear that the courts construe the category of fighting words extremely narrowly. The court must conclude that the person who said the words should expect that the person to whom they were said would throw the next punch. So, for instance, fighting words must be something said in the context of face-to-face interaction. Even there, the general trend in court decisions is to view fighting words very narrowly. For example, a New York court recently considered a prosecution under a harassment statute of a person calling a neighbor a "bitch," her son a "dog," and stating that she would "beat the crap out of [the complainant]" some day. The court found the speech protected and the statute unconstitutional.

— Finally, sometimes *verbal threats* can be prohibited. However, legal academics and case law indicate that some threats of doing bad

things are protected under the Constitution while some forms of threats are not. That subject is complicated. There are certainly some versions of racist speech that is coupled with serious threats of physical injury that, under the Constitution, would be prohibited.

That's it for sort of the general reach of the First Amendment. Next I should note that there are some restricted places where permissible prohibitions on speech can be broader than in the world as a whole. There may be portions of the University, maybe in the classrooms, where you could apply more stringent rules. Still, you should be very cautious about drafting rules that prohibit certain types of speech within the classroom.

I should also note that there are clearly a variety of actions that are not protected merely because the actions involve expression or communication. If you deface property, the fact that you're using words to deface the property does not mean that the prohibition on the defacement of someone else's property doesn't apply to you. Various racist practices that have recently occurred on university campuses violated general regulations having nothing to do with racial harassment and not expressly directed at speech. Usually those rules are enforceable even though the violations involve speech as well as the prohibited conduct.

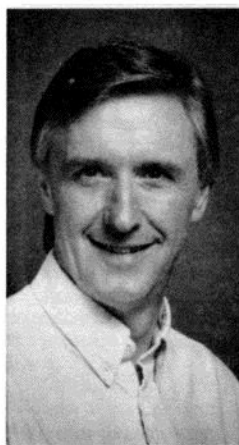
Beyond this outline of the law, I want to make several further observations. First, you should evaluate possible rules not merely in terms of what the Supreme Court holds the First Amendment to require. You should consider what makes sense to you. In particular, you should follow your own judgment if, like me, you think that the Court doesn't give adequate protection to free speech.

Second, despite the range of protected speech, there are some situations where people's First Amendment rights are limited or partially given up. Government employees commonly are restricted in their expression in ways related to their properly performing their jobs. It seems quite clear that an analogy would be that University faculty and administrators may be subjected to restrictions on their expression if the restriction embodies a requirement related to the proper performance of their instructional duties. I would argue, and this is complicated, that the justification of those limitations on faculty and administration probably does not apply to regulation of students—at least, student speech outside the classroom. Arguably, it may be permissible to regulate the racist speech of faculty and administrators more than that of students.

Third, if one does regulate expression, it is important that you know more than that there is some expression that can be and that you want to be regulated. There is a Constitutional mandate that regulation must be clear. The regulation must precisely identify what is prohibited. Otherwise the regulation will be unconstitutionally vague. Moreover, the regulation must not be overbroad. It must narrowly restrict only expression that is not constitutionally protected.

Finally, I have observed that in most recent discussions of racist speech, a whole host of examples of very offensive, injurious expression is usually presented to suggest the serious nature of the problem. The discussant, if sensitive to legal standards, will usually defend some limited regulation that she believes is Constitutional or appropriate. In most such discussions, as well as in articles I read on this subject, what the person thinks can be regulated frequently would not have reached many of these examples. Moreover, many of the examples of offensive, racist speech are already prohibited by existing, noncontroversial rules like those prohibiting defacement of property. Most of the other examples are not reached by the narrowly crafted restrictions on racist speech. If these observations are correct, if proposed restrictions accomplish little, one should think carefully about what one is accomplishing in designing regulations to restrict speech that one thought was subject to prohibition. Does regulation of speech accomplish the objective of limiting the injuries caused by racism on campus, or is an entirely different strategy more likely to have some impact or success?

* *Almanac* October 17, 1989



Biomedical Communications



Left: Les Dutton, F.R.S.; Nigel Higson (top) and Michael Kelly. Below: Houston Baker.; and at right, Martin Meyerson, and Mary Frances Berry.



D.P. Photo by Deborah King



HONORS & ... Other Things

F.R.S. Update

Dr. Peter Leslie Dutton, professor of biochemistry and biophysics in the School of Medicine, has been elected a Fellow of the Royal Society of London, the world's oldest continuously active society of scholars. He is cited by the Royal Society as first to demonstrate the excited triplet state of reaction-center bacteriochlorophyll and related phenomena contributing "very significantly to the now generally accepted sequence of electron transfer in the photosynthetic event," and for more recent studies which make "an important contribution to our understanding of tunnelling theory as applied to biological systems."

Dr. Dutton is the fourteenth known member of the University of Pennsylvania to be elected F.R.S. Current members are Dr. Britton Chance, Dr. Robert E. Davies and Dr. Harry Harris. Historically, the list begins with Benjamin Franklin, and continues through John Morgan, David Rittenhouse, S. Weir Mitchell, Detlev W. Bronk, Otto Meyerhof, Alfred Newton Richards, Rupert Billingham, Quentin Gibson and David Trentham. (*Almanac* is grateful to Dr. Davies for this list, which adds to previous efforts to build a complete record. If readers know of others, please advise.)

Young Faculty Awards

SAS's Natural Science Association board has chosen Dr. Nigel Higson of mathematics and Dr. Michael Kelly of psychology for its 1989-90 Young Faculty Awards, given to non-tenured faculty from the natural sciences and in each case carrying a \$30,000 prize to be applied to their research at Penn.

The 14-member board of the association chose Dr. Kelly for his work on language creativity and word meaning acquisition. A Bucknell alumnus who joined Penn in 1986 after taking his Ph.D. from Cornell, Dr. Kelly is best known for his investigation of cognitive mechanisms responsible for historical sound changes in English, such as different stress patterns for disyllabic verbs and nouns, and recently received a five-year grant (considered unusually long for a young investigator) from the NIH.

The board described Dr. Higson as "the leading operator algebraist of his age in the United States," working in an area for which

only a handful of mathematicians in the world have succeeded in mastering the background: C*-algebraic K-theory.

Dr. Higson, who took his degrees at Dalhousie University in Halifax, also joined Penn immediately after the Ph.D. in 1986.

For Scholarship and Service

Emeritus President Martin Meyerson has been decorated by the Japanese government with its Order of the Rising Sun, Gold and Silver Star. One of three non-Japanese among 21 who received the biannual award, Mr. Meyerson was singled out for his 30 years' contributions to the regional reconstruction of Japan and the education of Japanese academic researchers. He is currently on the board of the Matsushita Foundation and chair of the international advisory group to the UN Center on Regional Development based in Nagoya. In earlier years he was on the UN Mission on Urbanization and Industrialization in Japan, advisor to the Governor of the Tokyo Metropolitan Region, and an organizer of the International Centre for the Study of East Asian Development located in Kitakyushu.

Dr. Houston A. Baker, the Albert M. Greenfield Professor of Humanities, received the Governor's Award for Excellence in the Humanities this year, given by the Governor of Pennsylvania. He was also awarded the Creative Scholarship Award for his book *Afro-American Poetics* by the College Language Association of America. In addition he received an honorary doctorate from Williams College in Williamstown, Massachusetts.

Dr. David Solomons, the Arthur Young Professor Emeritus of Accounting, received the 1989 International Award of the Institute of Chartered Accountants in England and Wales, in recognition of "the far-reaching contribution Professor Solomons has made to the international development of accountancy during his long and distinguished career as a scholar and professional advisor."

Phi Beta Kappa has named Dr. Alexander Nehamas as the 1990-91 Romanell-Phi Beta Kappa Professor in Philosophy, in recognition of distinguished achievement combined with contribution to public understanding of philosophy. With the award are a \$6000 stipend and the sponsorship of three lectures on phi-

losophy to be given at the home institution, open to the general public as well as the academic community.

Dean Russell E. Palmer of the Wharton School received honorary degrees at home and abroad this year. The Faculty of Economic, Political and Social Sciences of the Free University of Brussels cited him for academic leadership and excellence in the accounting field. York College (PA) gave him the doctorate of humane letters for service to the community and to humanity; he was also their Commencement speaker.

Publications Honors

Dr. Rosemary Stevens, professor of history and sociology of science received the James A. Hamilton Book Award from the American College of Healthcare Executives and the Baxter Prize for Health Services Research.

Dr. Hamid Dabashi, who recently received his Ph.D. in Sociology was given the National Book Award for his book *Authority in Islam*.

Dr. Alvin Z. Rubinstein, professor of political science, was awarded the American Association for the Advancement of Slavic Studies Marshall Shulman Prize for his book, *Moscow's Third World Strategy*.

Taking Office

Dr. Mary Frances Berry, the Geraldine R. Segal Professor of American Social Thought and Professor of History, was installed as president of the Organization of American Historians at the group's 83rd annual meeting last week in Washington, D.C. The former Maryland provost and onetime chancellor of Colorado at Boulder is a member of the U.S. Commission on Civil Rights and former Assistant Secretary of Education for the U.S., with many honors including 18 honorary doctorates.

Dr. Claire Fagin, the Margaret Bond Dean of Nursing, is now president-elect of the National League for Nursing, which both promotes and monitors nursing education and practice. With its 15,000 individual and 5000 agency members, the NLN promotes collaborative efforts of nursing leaders, representatives of relevant agencies and the general public in effective delivery of health care. It is also the official national accrediting agency for nursing education.

Dr. Joyce Beebe Thompson, professor of nursing and director of the graduate program in nurse midwifery at Penn, has been elected president of the American College of Nurse-Midwives. A nurse-midwife for 24 years, Dr. Thompson has served as a medical missionary in South America and nurse-midwifery consultant in Africa as well as designer-mentor of Penn's program.

Rose Marie Wells, now retired after 37 years as a HUP financial analyst, has been named ADEA Volunteer Spokesperson for the American Association of Retired Persons, reporting to the advocacy programs section of AARP's Worker Equity Department. In addition she will act as a local resource for those who have problems, questions or concerns about the Age Discrimination in Employment Act and related federal employment laws; she will advise on rights and redress channels under ADEA, ERISA and other statutes.

April 7-11: Antiques 'Under Cover'

The 29th Annual Philadelphia Antiques Show and Sale, April 7-11, features "Undercover: Sewing & Symbolism," a loan exhibit of 19th century American quilts. The exhibit complements the antiques displayed in dealers' booths that have earned the Show's reputation as the most important Americana antiques show in the country.

The 40 antique quilts and rare objects in the special exhibit, including inlaid furniture, fraktur, iron, and other decorative arts, display the patterns and motifs of German immigrant groups of 19th century America, among them the Lutheran and Amish. The design motifs represent religious and mystic symbols appearing in German folk art as far back as the 15th century.

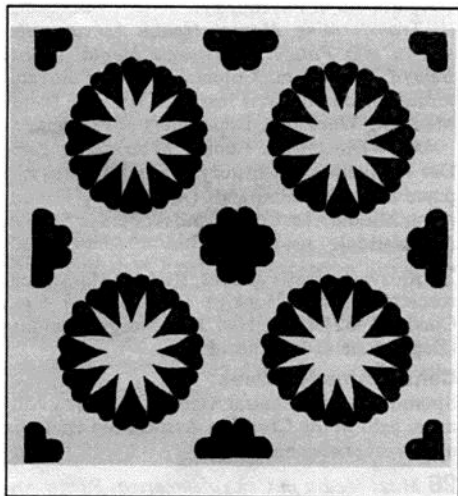
A lecture series explores quilts as art, skill and symbol; hex signs; and in one special program, "Quilted Treasures: The Quest for Knowledge."

Each morning before the show opens, the

Philadelphia Museum of Art Guides conducts a special antiques tour of the dealers' booths. The Antiques Show Committee offers house tours of private homes and collections. This year's tour is entitled "Fitler Square: A Victorian Neighborhood Updated." During the week of the Antiques Show, the Philadelphia museums offering collections of the 18th and 19th centuries are joining to offer special tours of their collections.

The Antiques Show, which benefits the Hospital of the University of Pennsylvania, is held at the 103rd Engineers Armory at 33rd and Market Streets. The proceeds will provide high technology monitors for use in the operating rooms by the Department of Anesthesia. The show is open Saturday through Tuesday, 11:30 a.m.-8:30 p.m., except Sunday, closing at 6 p.m.; Wednesday 11:30 a.m.-5 p.m. Admission is \$10. For further information, please call the Antiques Show Office at 687-6441.

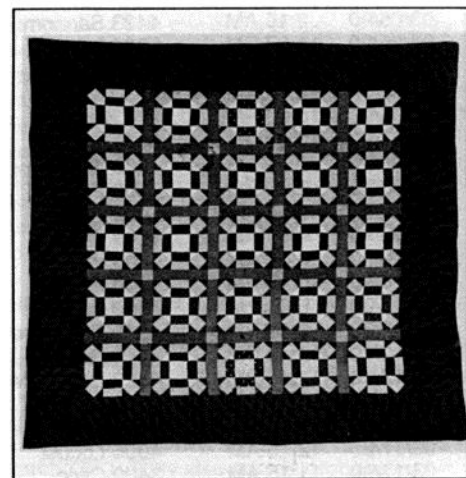
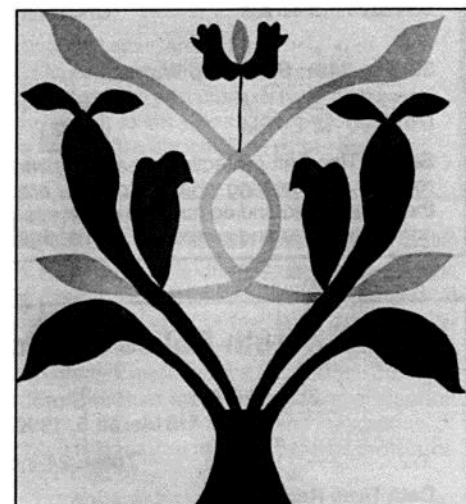
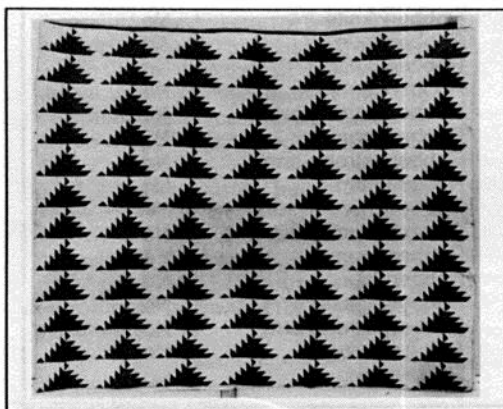
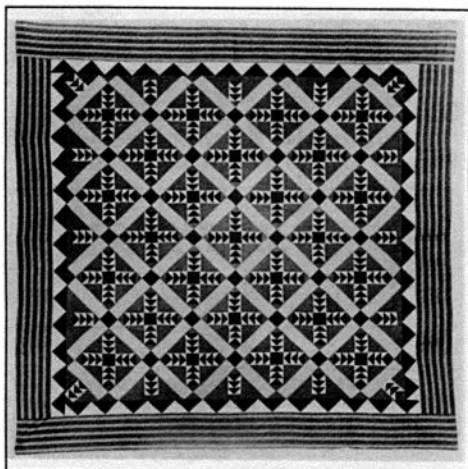
Samples from *Undercover: Sewing and Symbolism*



Left: detail of an applied crib quilt in the bursting sun and star pattern also known as the compass pattern, made by Mennonites in Lancaster County (collection of Dr. and Mrs. Donald M. Herr). *Right:* quilt square applied with the bird and tree pattern probably made by a Lutheran or Reformed woman around 1900 in Central or Northern Pennsylvania; it shows an atypical interpretation of the German mystic's two birds drinking from the spiritual tulip/lily (collection of Germantown Historical Society).

Below left: abstract pieced quilt in the geometric pattern called Wild Goose Chase Variation, made in Bucks County (private collection). Photos courtesy of Ken White.

Below: pieced quilt in the Delectable Mountains pattern made around 1840; pattern title refers to John Bunyan's pilgrim climbing to find the kingdom of heaven (collection of Germantown Historical Society). *Below right:* rolling stone signature quilt made by a Lutheran or reformed church member around 1850 in Boyertown, Berks County (collection of Patricia B. Fedor).



Update

MARCH AT PENN

CONFERENCES

30 *The Neptune System:* A day long conference; 9 a.m.-5 p.m., Room 328, Towne Building (Natural Science Association).

Brave New Workplace: Exploring the Changing Legal Landscape; Ninth Annual Edward V. Sparer Memorial Public Interest Law Conference; 8 p.m., Law School. Registration: Ext. 8-7483. (Law School). Also March 31.

31 *Women in Business: Global Challenges for a New Decade;* Tenth Annual Wharton Alumnae Conference; 8:30 a.m.-5 p.m., University Sheraton. Registration: 748-6714 (Wharton Alumnae Conference Committee).

FILMS

30 *The Horseman;* 7:30 p.m., West Lounge, 4th floor, Williams Hall (Department of Religious Studies and the Middle East Center).

31 *Wedding in Galilee;* 7 p.m. and 10 p.m., B-6, Stiteler Hall. Tickets: \$6 and \$3 students and senior citizens (Israeli Film Festival 1990).

(continued on page 8)

University of Pennsylvania Police Department

This report contains tallies of part 1 crimes, a listing of part 1 crimes against persons, and summaries of part 1 crime in the four busiest sectors on campus where two or more incidents were reported between **March 19, 1990 and March 25, 1990.**

Total: Crimes Against Person-1, Burglaries-1, Thefts-23,
Attempted Thefts of Auto-0, Thefts of Auto-1

Date	Time	Location	Incident
Crimes Against Persons:			
03/24/90	3:32 PM	4015 Walnut	Robbery/strong-arm/2 males took cash/no injuries
34th to 36th; Spruce to Locust			
03/19/90	9:25 AM	Houston Hall	Money taken by employee/recovered
03/20/90	5:56 PM	Houston Hall	Dog tied outside taken
03/21/90	12:12 PM	College Hall	Secured bike taken from rack
03/21/90	1:13 PM	Houston Hall	Purse taken from pedestrian by 2 males
03/21/90	1:37 AM	Sigma Alpha Mu	Clothing taken from basement
03/24/90	3:32 PM	4015 Walnut	See entry above under crimes against person
03/25/90	7:35 PM	Sigma Alpha Mu	Unattended jacket and contents taken
37th to 38th; Locust to Walnut			
03/21/90	5:54 PM	Bookstore	Bag taken from unsecure locker
03/21/90	6:06 PM	Bookstore	Arrest/Male attempted to write bad check
36th to 37th; Locust to Walnut			
03/21/90	10:11 PM	Annenberg Center	Unattended purse and contents taken
03/23/90	3:41 AM	Christian Assoc	Unattended turntable and records taken
33rd to 34th; Spruce to Walnut			
03/20/90	3:20 PM	Hayden Hall	Bike taken from rack
03/23/90	12:21 PM	Lot #21	Bike taken from rack

Safety Tip: Self protection means knowing how to avoid being the victim of an attack or robbery and knowing what to do if you are a victim. To avoid becoming one keep alert for the unexpected and do not take unnecessary chances. However, if you are a victim act with common sense and cooperate with authorities.

18th Police District Philadelphia Police

Schuylkill River to 49th Street, Market Street to Woodland Avenue
12:01 AM March 5, 1990 to 11:59 PM March 18, 1990

Total: 24 Incidents, 3 Arrests

Date Time Reported	Location	Offense/Weapon	Arrest
03/05/90 2:15 AM	4423 Sansom	Agg Assault/knife	No
03/05/90 11:37 PM	5300 Locust	Robbery/strong-arm	No
03/06/90 1:30 AM	3400 Spruce	Agg Assault/knife	No
03/06/90 12:35 AM	4500 Market	Robbery/knife	No
03/06/90 10:00 PM	2 S. 40	Robbery/strong-arm	No
03/07/90 12:01 AM	3419 Walnut	Robbery/gun	Yes
03/08/90 9:25 AM	4800 Woodland	Robbery/knife	No
03/08/90 9:20 PM	4500 Pine	Robbery/knife	No
03/08/90 9:50 PM	4000 Ludlow	Robbery/gun	No
03/10/90 4:50 AM	4200 Pine	Robbery/knife	No
03/10/90 8:05 AM	4400 Pine	Robbery/gun	No
03/10/90 10:45 PM	4400 Pine	Robbery/strong-arm	No
03/12/90 6:56 PM	4800 Spruce	Robbery/gun	No
03/12/90 9:06 PM	4700 Baltimore	Robbery/strong-arm	No
03/12/90 10:40 PM	4416 Osage	Robbery/gun	No
03/12/90 11:40 PM	4423 Baltimore	Robbery/gun	Yes
03/14/90 6:45 PM	1018 S. 48	Robbery/strong-arm	No
03/17/90 10:13 PM	4540 Baltimore	Robbery/gun	Yes
03/17/90 12:15 AM	4000 Locust	Robbery/gun	No
03/17/90 11:15 AM	3400 Civic	Robbery/glass	No
03/17/90 12:45 AM	423 S. 45	Robbery/strong-arm	No
03/17/90 3:10 PM	204 S. 46	Agg Assault/gun	No
03/18/90 11:28 PM	4108 Baltimore	Robbery/gun	No

Update *continued from page 7*

FITNESS AND LEARNING

28 Sobriety I. Less Than 18 Months in Recovery; Carol Bennett-Speight, and Nancy Madonna, F/SAP counselors; noon, Room 301, Houston Hall (Faculty/Staff Assistance Program).

29 Burnout: How to Avoid It, What to Do about It; Bette Begleiter, counselor; noon, Room 304, Houston Hall (Faculty/Staff Assistance Program).

Wine Tasting Gala; led by Gregory Moore, sommelier at Le Bec Fin restaurant, to benefit Bread Upon the Waters Scholarship Fund; 6 p.m., Lower Egyptian Gallery, Museum. Registration: Ext. 8-3524 (College of General Studies).

TALKS

28 Pulsar Timing, Gravitation, and Cosmology; Goodspeed-Richards Memorial Lecture; J. Taylor, Princeton University; 4 p.m., Auditorium A-1, David Rittenhouse Lab (Department of Physics).

29 The Biologic Basis of Treatment of Peritonitis; D. Hayes Agnew Surgical Lecture; Richard L. Simmons, George V. Foster Professor and Chairman of the Department of Surgery, University of Pittsburgh; 4-5 p.m., Medical Alumni Hall, HUP (School of Medicine).

Cloning and Sequence Analysis of Muscle C Protein: A New Member of the Immunoglobulin Gene Family; Donald Fischman, physiology; 4 p.m., Physiology Library, Richards Building (Department of Physiology).

Transforming Mental Health Services Research into Policy: Medicare's Mental Health Benefit; 4:30-6 p.m., Colonial Penn Center Auditorium (Leonard Davis Institute, Wharton Policy Modeling Workshop, Department of Psychiatry).

Ani—The Fabled Capital of Armenia; Lucy Der Manuelian, art history, Tufts University; 5 p.m., B-2, Meyerson Hall (Art History Department, Middle East Center, and Armenian Student Association).

30 Biosynthesis of Peptides; Richard Mains, neuroscience, Johns Hopkins University; 4 p.m., Class of 1962 Lecture Hall, John Morgan Building (Department of Pharmacology).

Central America Week

Sponsored by the Central America Solidarity Alliance; held in the Christian Association Building unless otherwise noted.

28 Mass Media in Central America; Robin Anderson, Fordham, and Frank Broadhead; 3-5 p.m.

29 Everyday Life and Death in El Salvador; Brad Fields and Gail Lopez-Henriquez, union lawyer; 7-9 p.m.

30 U.S. Responsibility for Mass Murder in Central America; Alan Nairn, journalist; 3-5 p.m., Benjamin Franklin Room, Houston Hall.

Almanac

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