

California Supreme Court denies shock jock's request for review

Antebi says he will lobby legislature to fix California's Leonard Law

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CALIFORNIA — The California State Supreme Court has refused to review shock jock Jason Antebi's censorship lawsuit against Occidental College, letting stand a lower court's ruling that he did not have legal standing to sue the university because he already graduated.

Antebi sued the university under California's [Leonard Law](#), a statute designed to protect student free expression rights at private colleges in the state. In his lawsuit, Antebi claimed that the university violated the law when they fired him from the campus radio station for making controversial comments on air.

The judges voted 6-1 not to review the case and also denied a request from the First Amendment Project, an advocacy group based in Oakland, Calif., to de-publish the opinion from the previous court's ruling.

First Amendment advocates called the decision disappointing, and have said that the previous court's ruling could render the Leonard Law effectively useless.

"The court has established a miserable precedent that will have immediate negative effects on students at California's private universities," said Will Creeley, senior program officer with the Foundation for Individual Rights in Education.

A previous court ruling said that Antebi could not sue the university because he had already graduated when he filed the lawsuit. The court said the Leonard Law clearly states that only enrolled students "may commence a civil action."

Supporters of Antebi have warned that the ruling enables administrators to get away with student censorship by simply expelling students before they file lawsuits.

"The administration of the defendant school now holds all the proverbial cards," Creeley said. "A student could author a potentially damaging story, be expelled in response, and then be denied recourse."

Antebi said he was also disappointed with the decision, but that he will push the issue to the state legislature, which has the power to change the wording of the Leonard Law so that it will clearly apply to current and former students.

By Marnette Federis, SPLC staff writer

For More Information:

- [Lawyers for former Occidental shock jock ask California Supreme Court for review](#) News Flash, 9/29/2006
- [California court says former Occidental student can not sue under Leonard Law](#) News Flash, 9/13/2006
- [Court dismisses former college radio host's lawsuit](#) News Flash, 10/6/2005
- [Former shock jock sues college for pulling him off the airwaves](#) Report, Fall 2005
- [Former Calif. university shock jock sues school for First Amendment violations](#) News Flash,

4/5/2005

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