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Lawyers for former Occidental shock jock ask California Supreme Court for review

Lower court ruled Antebi could not sue under Leonard Law

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CALIFORNIA — Lawyers for former Occidental College shock jock Jason Antebi filed a brief with the California State Supreme Court last week asking it to review a court ruling that said he had no legal standing to sue the university for censorship because he had already graduated.

In his lawsuit, Antebi claimed university officials violated California's **Leonard Law**, which provides free speech protection to private college students, when they fired him from the campus radio station for controversial comments made on air. But an appeals court upheld a ruling that the Leonard Law only applies to students who are "currently enrolled" at the college at the time the lawsuit is filed. In the brief Antebi argues that the lower courts' decisions reduced the scope of Leonard Law and the "protections it was designed to provide."

Greg Lukianoff, president of the Foundation for Individual Rights in Education, an organization that assisted Antebi in the case, said the Leonard Law was supposed to give students at private colleges the same rights as those in public universities.

"The court of appeal's interpretation of the Leonard Law completely eviscerates what the law is trying to do," Lukianoff said.

Lukianoff said that essentially schools would be able to avoid censorship lawsuits by simply expelling the student before they could file a lawsuit.

The brief also argues against an appeals court finding that students claiming defamation against a college have to go through the institution's own internal appeals process. The California Supreme Court should have a decision on whether it will hear the case in about two months, said William Creeley, Senior Program Officer of FIRE.

By Marnette Federis, SPLC staff writer

For More Information:

- [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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