



News, Views and Jobs for All of Higher Education

July 18

## Everyone's a Critic

The curtain did not fall silently on the Devil. But rather to a chorus of "I am offended."

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In fact, the shouts by a group of Washington State University students pervaded the final performance in April of *The Passion of the Musical* — a show that has become the subject of a free speech dispute months after its short run.

The protesters, angry at the satire depicting the last of two days of the life of Jesus, forced the show to stop several times. At the behest of campus security guards concerned about a potential riot, Chris Lee, a theater major who wrote, directed, and portrayed the cross-dressing Lucifer in the play, self-censored one of the show's songs. Instead of singing "I would do anything for God, but I won't act black," a parody of Meat Loaf's "I would do anything for love, but I won't do that," the "black" was changed to "blank."

Along with jokes about gay people, AIDS, Hitler, and the use of "nigger," another chorus that roiled audience members was the "And I will always hate Jews" refrain in the parody of Whitney Houston's hit "I Will Always Love You." And of course there was the scene where newborn babies were shot onto the stage, apparently from a Mormon mother's offstage womb, and Jesus, like a good outfielder, caught all 16 of them.

Lee, like many of those who organized the protests and disrupted the play, is black. "The whole point was to show people we're not that different, we all have issues that can be made fun of," Lee said.

Several months after the play, a free speech group is coming to Lee's defense and demanding to know why college administrators appeared to support those who disrupted the production.

The group cites an e-mail obtained by *The Daily Evergreen*, the Washington State paper, in which President Lane Rawlins wrote to a professor: "I too was concerned about the threat to safety but I must say that our students, even though they were upset, exercised their rights of free speech in a very responsible manner by letting the writer and players know exactly how they felt." Not everyone thought it was free speech that the 40

students exercised.

“The protesters were the people standing outside with signs,” Lee said. “Inside, they were hecklers. I wanted the play to cause discussion, but they didn’t even listen to it.”

Officials at the Foundation for Individual Rights in Education strongly disagreed with Rawlins that the protesters were exercising free speech, rather than violating it. “Disrupting a play with mob censorship is not protected expression,” said Greg Lukianoff, director of legal and public advocacy at FIRE.

In a letter to Rawlins, Lukianoff cited a 1970 federal case in which a war protester won the right to hand out fliers. Previously, the University of Arizona had prevented him from doing so on the grounds that his actions caused people to threaten him and created potential for violence. “The court affirmed that a person has a right to be free from a ‘heckler’s veto,’ ” read the letter. Similarly, Lukianoff argued, campus security should have protected Lee’s right to continue his play unchanged, rather than pushed him to self-censor to avoid an explosive situation.

Washington State staff members and administrators who supported the protesters right to interrupt the play, including the president, contend that Lee created a public forum by engaging the crowd early in the play. At the beginning he read aloud a critical flier that the protesters had been passing out. Twenty minutes into the play, after some vocal interruptions, Lee paused the play and told the crowd he would call the cops if they continued to interrupt.

“We believe that Chris taunted and provoked the crowd from the very beginning of the play,” said Raul Sanchez, director of the Center for Human Rights at Washington State, which investigates harassment and discrimination claims. “By his character, *Lucifer*, reading the protesters’ flier, he incorporated something that belonged to them, and made specific asides about them. We believe he converted what was a private forum into a public forum.” He likened it to a group assembling to shout down someone on a street corner spewing racial epithets.

Lee’s supporters said the protesters had every right to leave the performance, as Rawlins did, but they reject the idea that shouting out during the play was protected speech.

“Legally that’s laughable,” Lukianoff said of the idea that Lee begged public discourse. “Just because you address someone in the audience, it doesn’t make the Winter Garden a public forum,” he said, referring to the renowned Manhattan theater. Lukianoff also thinks the audience missed the point. “It’s satire, public commentary. It’s like *South Park*. It offends everybody, so that it can’t be offensive. No matter how much you disagree with someone, it’s dangerous not to hear them.”

Lukianoff and Lee also believe that the protesters were not simply reacting to what they saw, but had planned to protest before they ever saw the show. Many of the protesters employed identical, seemingly coordinated, actions: stand, put forward a hand, and say, “I am offended.” Some used their cell phones at specific instances, and others criticized audience members who laughed at caustic jokes. Lukianoff contends that these were premeditated acts, and, what’s more, that Washington State facilitated the disruptions by not removing protesters from the audience, and by giving them free tickets beforehand.

The Office of Campus Involvement bought 40 tickets for students, only one of whom had seen the play, who were concerned about the play’s content. Sanchez said the idea was to allow these students to see the play for themselves so they could engage in a discussion with Lee after it. The tickets were distributed by Brenda Maldonado, intercultural student development coordinator. Sanchez said that, as far as he knows, no employees helped organize the protest, but Maldonado criticized the play in local papers. “I don’t want students to have to pay to support a program that is obviously racist and homophobic,” Maldonado told *The Evergreen*.

Lee said that some protesters physically threatened him and his cast. In reviewing a tape of the performance, however, Sanchez said that was not apparent. Some cast members said there was cause for concern. Kenneth Ellis, one of them, recalled protesters yelling “you’re going to hell” during one number. “The worst came when the only black girl in our cast was out on stage during the song ‘I will always hate Jews,’ the protesters yelled out that they would see her tomorrow on the mall, and the way they said it made you think they weren’t going to be talking to her,” Ellis said.

Despite the uproar, Lee said that the offensive jokes in the play were meant to depict the ridiculousness of bigotry, not enforce the stereotypes they are built on, much, he said, like *South Park* does by making fun of all races and religions.

Rawlins was off campus on Friday and unavailable for comment. So far, his written responses to FIRE have thanked the group for its interest, and assured it that the university was concerned as well. As for Lee, he was only silenced temporarily. He will be raising the curtain on *Mangina Monologues* in the fall.

— [David Epstein](#)

## Comments

This reminds me of discussions I have had over the past few years. Friends and I have wondered what would have happened to a film such as *Blazing Saddles* in our current social climate. The off-color (predominantly racial) jokes might well inspire enough criticism or protests to close at least some of the screenings. Interestingly, Brooks’ purpose was the same as Lee’s.

The claim, returning to the primary content, that the play’s content created a public forum is indefensible, even with the condition that such content must be directed to the audience by a character. Any aside could then be deemed an appeal to or address of an audience, and some Shakespeare would be open to such interruptions.

Worse, since no one, at least as far as the information in this article goes, was required to see the play, audience members can hardly claim that they were being forced to tolerate any of its content.

I understand that people want to ensure that gratuitous racism not be allowed in public places, but if the play was not a complete failure from the standpoint of writing—that is to say, if a person of reasonable intelligence could be expected to comprehend the satire—then not only do these people not have grounds to object, they have reason to back it.

[Andrew Purvis](#), at 7:37 am EDT on July 18, 2005

### Really?

“It’s satire, public commentary. It’s like *South Park*.”

So .. Kenny is like Daniel Schorr?

Separately — does ‘Kenny’ physically exist to be physically threatened?

After all the world’s problems cited on this Web site — poverty, shortage of medical care, high student debt, etc. — how productive, a use of public funds by all sides, is this?

In any event — thanks for contributing to the cause of student-directed charters. It is this kind of

tax-supported weirdness, in publicly-funded facilities, that drains-off taxpayer support for public higher education.

**Art (not Larry)**, at 7:37 am EDT on July 18, 2005

## **So, who here isn't a racist ?**

A few points.

First of all, there are many mediums of expression that are taught in public universities. Some people are taught to write in English. Some are taught to write in mathematical symbols (which many claims are "gibberish"). Some are taught to paint and some are taught to write and direct plays. If people don't get your message and don't react to it, you probably are not being too effective. So, once the school decides to go down the road of teaching people how to write and direct plays they will probably need to teach the students how to appeal to an audience on a visceral level. And, once they do that, just as they can't decide that some opinions expressed in term papers about the Iraq war or the president are good, they can't decide that some messages that appeal on a visceral level are inappropriate or bad. You might think it is strange, but the reaction pretty much proves that someone is teaching these kids correctly.

(Likewise, I feel like I am a success when someone posts a personal insult after I post one of my ideas. The fact that I am able to get a supposedly academic audience to act like babies shows that my style of argument makes people think react in a way that is generally not accepted in "polite" academic culture.)

Second, South Park, All in the Family, Barney Miller, etc. all address/ed social problems. They often do it in an offensive and comical way, but they are using different devices to communicate their messages. Daniel Schorr does it, too. But, I don't think he is nearly as effective as All in The Family was. Likewise, I am not that impressed with Mr. Schorr as he doesn't have the command of the details that make life interesting (but this is why I don't listen to NPR).

Third, I don't see what is wrong with gratuitous "racism" in public places. Racism is ugly. But, by denying it exists we won't even begin to confront the racism in our own hearts and in others. Instead, we will just sweep it under the rug. Perhaps if we talked more about it, and joked about it (a la Dave Chappelle) we might not act so uptight about it.

**Larry**, at 8:40 am EDT on July 18, 2005

## **Where Were the Drama Instructors?**

Washington State is responsible, in my opinion, not for allowing the protestors to have their right of free speech, but for allowing this hate crime to be officially scheduled in the first place.

Isn't there a review process of some kind in the Drama Department? Don't they provide guidance and editing support for their student playwrights?

When antisemitism is on the rise worldwide, this whole episode is unconscionable. Washington State should apologize to all the maligned groups and expel the perpetrators of this hate-mongering enterprise.

Have a happy day!

**Cal**, at 8:45 am EDT on July 18, 2005

## **Cal doesn't know what a hate crime is**

Cal,

This is not a hate crime!

I don't even think you know what a "hate crime" is, anyway. (In fact, "hate crimes" have underlying "non-hate" crimes (e.g. assault) which are aggravated by certain motivations. Other states simply provide penalties for interfering with others' exercise of their civil rights. Obviously these statutes must comport with the constitution, which includes a wonderful thing call the first amendment, which gives you a right to be a hata.

Look, we live in a great country. For you to go around screaming your slogans about "hate crimes" hurts us all. If you disagree with the play (if you saw it, which I doubt), why don't you write a place which explains to people, in equally powerful language, why it is wrong.

If people are anti-Semitic, maybe you can write a play convincing them not to be instead of trying to get the government to ban some play. Declaring that they should be censored will only fuel their flames.

**Larry**, at 9:10 am EDT on July 18, 2005

... as long as they don't "Blame Canada".

**George**, at 1:04 pm EDT on July 18, 2005

## **Censorship is not a form of free speech**

I have to agree with Larry on this one, even though I am probably one of the "babies" he refers to in his earlier post. One fundamental issue is the "offended" students are either willfully ignorant of the play's point, or are simply not enlightened enough to grasp sarcasm. These "protestors" had no intention of engaging with the play, and instead attempted to censor it with their orchestrated heckling. The idea that they play became a "public forum" because a letter of protest was read by the play's director is absurd. Students (and school employees) who would endorse and employ censorship will find themselves on the wrong side of the First Amendment. I urge these students and employees to visit [firstamendmentcenter.org](http://firstamendmentcenter.org) for a much needed lesson on protected speech.

**Jennette**, at 1:30 pm EDT on July 18, 2005

## **Not all offended students behaved the same way**

"One fundamental issue is the "offended" students are either willfully ignorant of the play's point, or are simply not enlightened enough to grasp sarcasm."

I doubt I personally would have been offended by the play based on the description, but I certainly respect the right of another to hold an opinion different from mine. I don't think it is fair to assume that all offended students are unenlightened or ignorant just because a group of protestors behaved immaturely. I'm sure there were far more individuals upset or disturbed by the play than the group that disturbed the performances. And even though I don't agree with the protestors' tactics, I still wouldn't judge their reasons for being offended as stemming from their intellectual inferiority. They have as much right to feel offended and be vocal about it as I would have to not be offended and to support the play.

**Leslie**, at 2:40 pm EDT on July 18, 2005

I think it is ironic that Jennette is being accused of calling people stupid and overgeneralizing. Welcome to the club, Jennette. Have some chips and salsa.

But, I am going to disagree with Jennette and say that Sanchez' position is not absurd, but is rather deliberately formulated to tap into one of the grey areas in 1st amendment law. (We lawyers are a slimy bunch like that.) He is essentially arguing that the public forum doctrine prevents any regulation of speech in a theater, even when a play is in progress once the play acknowledges that there is a dispute and that once that happens a correlative right kicks in and the a state entity has a duty to protect the ability of the heckler's to heckle.

Moreover, most of the first amendment cases in this area dealt with "prior restraints" on speech (wherein groups were not allowed to speak in the first place), here we have a constantly shifting government position on the speech. First the government allows the playwright to speak. Then the government presumably prevents the hecklers from talking out of turn. Then, after the playwright addresses the audience, the school decides (albeit retroactively) that everyone now has a right to say whatever they want.

The counter argument is, of course, that the state-sponsored encouraging or allowing heckling interferes with the exercise of the playwright's first amendment rights.

Ultimately, however, I think he loses because the court has intimated a public forum (which is a term of art) such as a theater can be made available to one viewpoint at a time, and other viewpoints have to participate under the terms set out by proponents of that viewpoint, and there is no right to disregard such conditions. See, e.g., *Clingman v. Beaver*, 125 S.Ct. 2029, 2036 (2005) (Thomas, J.) (holding that a state's regulatory interests in primaries will be enough to protect associational (not speech per se) rights).

But, of course, the opposing viewpoint has a right to interact in that forum as well, but they would have to do things like actually write a play and paint scenes which gets real hard real fast. Also they need to have a cast party, and those just degenerate into debauchery.

[Larry](#), at 3:06 pm EDT on July 18, 2005

## **Offended Students**

Leslie, I did not mean to imply that all offended students were ignorant or intellectually inferior, I was only referring to the students who behaved badly and those who would defend this heckling as "free speech." Sorry for not making that clear. Additionally, I think many of these students might be less upset if they made an attempt to really learn about the play and grasp its point.

**Jennette**, at 6:56 pm EDT on July 18, 2005

## **Where were the teachers? They were doing their jobs: TEACHING**

In response to "Cal" who asks where the drama teachers were, let me tell you, they were teaching their student's about theatre, as they should have been, and not worrying about Mr. Lee. As a theatre student at Washington State University and a very close friend of Chris Lee, I have to tell you that I know almost every little detail about this issue and so will set you straight with relation to things that many of you are assuming and making rash and extremely unintelligent judgments about.

First of all, Chris presented his idea to the board of the theatre department, not so much for their help, but for

the use of the university's theatre facilities, for which, he would pay in full. They refused. Now, this is not to say that the drama teachers were ashamed of their student. Actually, they were very proud of him for not taking no as an absolute answer to his play. They told him that they would not support the play or let him use the facilities but that they would support him and his rights as a citizen of the United States of America.

This is not something that should instigate a sort of banishment for Chris and his cast from the school. This was a PRIVATE production. Chris paid for EVERY little detail out of his own pocket. He had to find a place that would allow him to perform that production and Chris had to go up every step of the WSU bureaucratic ladder to be able to put this play on. However, as this play was an independent production, he, his cast and his production had absolutely no affiliation with the WSU's theatre department, so once they told him that he couldn't use their facilities, they and the entire University had no say as to what was presented.

The funniest part about this, that no one has mentioned, is the fact that when auditioning, advertising and performing the play, Chris put a disclaimer out either on the doors, on the audition sheet or in the advertisements. It said that this is an offensive play, it may not be suitable for anyone and everyone who will be offended by non-P.C. material and that no one under the age of 18 would be allowed to enter. So, let's say, as a parallel of sorts, that the Surgeon General puts on a carton of cigarettes that the product inside will "offend" your physical body and that if you use them you MAY get cancer. AND THEN...someone actually uses them and, God forbid, they actually get cancer. Funny, isn't that what the disclaimer said? So, does the smoker have the right to be angry and offended or even sue, when they were told that IF you buy these and IF you smoke them you MAY get sick? Should those sick people now have the right to go tear up a tobacco producing plant? Or even closer to this particular issue would be a piece of offensive art in a private gallery. On the outside of the store, there is a sign that says, "Some art may be seen as offensive and not suitable for children." Do the people who come in to view the art have the right to destroy that painting? Because that's exactly what those hecklers did. They destroyed Chris's piece of art, which was put in the form of a play. Does any of this seem reasonable at all? I didn't think so either.

These people KNEW it was going to be offensive. Half of Chris's auditionees left when they found out exactly what they would be auditioning for from the disclaimer posted. Was Chris offended? I can tell you from first hand experience that he was absolutely not. He thought it was cool that people would PEACEABLY stand up for what they believed by not auditioning. The people at the performance that were offended had every right to leave or even better, they had every right NOT to attend, just as those who almost auditioned did. There were no security guards holding them there against their will. I know. I was there. If anything, the security guards just sat around and drank Coke, refusing to actually do their job.

I support Chris. If anything, I think there should be more people out there like him who are willing to laugh at life rather than torture themselves through it by every little thing said that could possibly be taken wrong. Also, so many people, throughout the production process refused to help Chris but he stuck with it. He was not discouraged but rather more encouraged, to see the finished product, every time he met with some sort of contestation. He had every right to say what he wanted to say in his PRIVATE forum. Isn't that why the age of McCarthy was sneered upon at that terrible time of unconstitutionality and still is now? Those people, at that time, said what they wanted to say and believed what they wanted to believe in the privacy of their own homes, just as the constitution says they can, and were punished for it. Granted, this was not performed in Chris' home, however, he signed a contract with the facility head saying that on the nights on these performances, that stage and the auditorium was essentially his. Honestly, if you are offended by Chris' play, smoking or art (R-rated movies) don't go to them, don't use them. But, never, NEVER censor someone for saying something he or she wants to say in a place where he or she has every right to say it. For those of you who are against Chris Lee and his rights as a human being, (if I may be so bold), you are wrong!

**Ame**, at 6:56 pm EDT on July 18, 2005

## Washington State Theater did not sponsor the show...

An earlier comment claimed that WSU's theater department was responsible for letting this show go up in the first place. Sorry to correct you, but that wasn't the case. I'm a student at WSU, involved in theater, though I wasn't a part of Passion. Chris came to the theater department and sought sponsorship, but was turned down. He went out on his own, funded the show himself, and booked a venue outside of the theater. What makes this issue so interesting is that it wasn't an issue of an institution being offensive, but rather an independent group of cast and crew that went out on their own and put up the show. I attended the play in support of my friends involved, and while it was decidedly offensive, there was no point where I felt that any group was being singled out, targeted, or demeaned. The "hecklers" who interrupted the show every night it went up (including dates prior to the large protest funded by the University, before which no readings or comments were made to address the protestors in the audience) made me — as an audience member — feel somewhat threatened... I can only imagine what those on stage felt. I plan to continue supporting Chris and his "Actors With a Passion for Comedy" as the Mangina Monologues begin this fall. Thanks to everyone for your support, as well as those of you who have offered thoughtful disagreements. I'm sure Chris and everyone else involved will be delighted to see that it is possible to have a productive, civil discussion about all of this.

**Brendan**, at 7:56 pm EDT on July 18, 2005

Amee, You facts raise a few issues.

Just because your friend wasn't "officially" part of the theater department isn't quite dispositive of the issue. For one, it is difficult to understand what this means, as he 1) was a student at the school; 2) use the school's theater; and 3) apparantly didn't rent the place on the same terms that, say, Arrowsmith or Coke would.

But this probably works in his favor, as schools probably can exercise more control over their pedagogical method than they can over use of their facilities as a public forum. (So, for example, a school can insist on teaching evolution, but it can't force kids who want to run a bible discussion group not to discuss creationism.)

I don't see that there is a constitutional parallel between mandated cigarette warnings and your friend's disclaimer. First of all, merely putting a disclaiming on a product does not prevent a user of the product from suing (and prevailing) the maker under a product liability theory. Second, unlike preventing lung cancer, the government doesn't cannot constitutionally enact laws to prevent "offense."

However, the disclaimer, and the peoples' reactions to the play illustrate, as the article points out, that the heckling was not an impromptu reaction to the play's imagery, but rather a calculated act designed to prevent your friend's message from being heard. Ironically, by publicizing the nature of his message, he put all of his enemies (if that is the word for them) on notice and gave them time to prepare for battle. If he had prepared in private and/or not told people what was in the play until opening night, the most that would happen is that someone would have gasped. So, as we see, his message reached even more people.

But there is a bright side to all of this: we are now discussing the issue and issues now. FIRE actually is getting involved in a non-religious free-speech issue, and perhaps we will all be better off because of your friend.

**Larry**, at 10:09 pm EDT on July 18, 2005

## Still no right to Censor

I am the writer and director of Passion of the Musical.

I wrote my "offensive" play for a couple of reasons first it was to breathe life back into theatre, I feel college students dont care about theatre and feel like its for old people.

Second, I did it to make a name for myself as well as give a college something to discuss other then "whose doing who" on campus in the papers.

So here is the real issue WSU allowed my play to be censored because they said "I made my bed so lie in it". I begged for my universitys help that night the hecklers were threatening and disturbing my show. I even called the police and said we are in danger of being hurt. What else needs to be said about an issue when the cast was tells the police they will be hurt or killed if this performance continues.

The police showed up and didnt like the content of the show so they continued to allow the yelling and threats. One person out of the 40 was taken out of my show then to make the matter almost laughable they let him back in saying "he promised to be good." WHAT. Rawlins left my show when I stopped it and asked for help, he left me and almost 200 students in a hostile situation, and for what because I deserve it for trying to create something he didnt agree with, bull.

Here is how bad the situation was: I had people in the audience leaving to call their friends to tell them to either pick them up or bring weapons because something big was going down. I had hecklers telling my audience if you laugh we will kill you. I had family members of my cast and crew wanting to know if I wanted them to get there guns out of the car. Do you understand how scared we were, people could have been killed because WSU didnt understand that freedom of speech doesnt cover threats and heckling.

The day after my show went up there was a big adminstrative meeting where I was assured that all would be rectified, all wrongs righted and that song and dance. WSU asked me if I wanted to have security escort me to my classes,MY CLASSES, does this sound like a responsible situation. Now I cant go anywhere in pullman or this side of Washington without hearing about how big of an racist, sexist and etc I am. My play was destroyed the message raped and cheapened because nothing got through.

Here's my message America. WHY ARENT THESE THINGS FUNNY, WHY CANT WE ALL GET ALONG, WHY CANT WE REALIZE THAT WE ARE ONE RACE WITH ONE PROBLEM: OURSELVES.

So lets make our own opinions about my show. I am releasing "Passion of the Musical" online in a couple of days. I will inform this site of the website when i set it up.

Now I am disappointed and scared because I begged my college for help at my last night of my musical and they watched me suffer and watched me scream, as to show any other student this is what will happen if you make something we dont agree with.

There are a lot of ignorant people out there that will hinder or even hurt a person because of these issues and now because the message came out wrong I dont feel safe in a town I have been in for 4 years.

So to the whole country I say "This student right here Christopher Anthony Lee feels his life, liberty and freedoms are on the line here and Washington State University wants to split hairs on whether my show was a public or private forum."

**Christopher Lee**, This was my show at WSU, at 4:55 am EDT on July 19, 2005

### **It is closer than people think**

I wonder how seriously I can take threats of violence at universities these days. On a weekly basis, someone

claims to “fear for their safety.” That “fear” usually comes from someone who has taken a position that is diametrically opposed to them, and perhaps verbally confronted them. Faculty do this, and now students are doing it, too.

But, can we be real here? How many people are really assaulted on college campuses per year because of a political position (regarding either the university or the country) they took ? In my recent memory, both faculty and students have claimed to “fear for their safety” during some departmental battle. (See, e.g, email from Robert Pratt here: <http://chronicle.com/free/v51/i45/45a02001.htm> ) Most assaults are over the traditional things: love, money, and booze. Not whether the devil dress in drag, or people don't like who gets what lab space.

I am going to differ Mr. Lee a bit: I would not immediately blame the police. They were called, and they were faced with heckling. As you can see by my above analysis, whether people have a right to heckle is not entirely clear. Indeed, they were definitely not trespassing, as Mr. Lee appears to have invited them. Most policemen have some idea of the constitutional dimensions of these problems, and although Mr. Lee may ultimately have the right to expel them from his play, it takes a considerable amount of legal analysis (and extrapolation) to reach that point. I am going to go a bit further: I don't think that the police really cared about the content of Mr. Lee's play. And herein lies the problem, the issue as to whether the hecklers could heckle is only one which could be resolved by splitting hairs.

**Larry**, at 8:02 am EDT on July 19, 2005

I am reminded the song in *Avenue Q*, “Everyone's a Little Bit Racist.”

<http://www.avenueq.com/soundtrack.html> (the other clips may not be safe for kids or work without headphones)

Clearly some people can't deal with satire when their goose is getting gravied, but they always reserve the right to sauce other people's geese at their own whim.

**Bill**, at 1:41 pm EDT on July 19, 2005

Got something to say? [Add a comment.](#)

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