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Article Published: Wednesday, December 08, 2004 - 1:57:58 PM PST

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## Difference between offensive, unprotected speech

By Jason Antebi

In March of 2004, I was hastily fired from the radio show I had hosted for three years as a student at Occidental College in Los Angeles and found guilty of "sexual harassment" against my entire audience for parodying two student government rivals on my show. My crime? I had called one a "bearded feminist" and the other a "douche."

Sure, it may have been impolite, but my show was called "Rant and Rave," and the entire point of the show was to deliver the "shock jock" humor that is typical of college radio programs. That style, which criticized everyone from Donald Trump to my pug, Jasmine, made the show the most popular radio program on campus.

While undoubtedly some were offended -- and like any good comedy act, we tried to mock the campus, society, and myself as much as possible -- certainly no one was "harassed."

Once the accusations against me became public,

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Info



I contacted the Foundation of Individual Rights in Education (FIRE) and they came to my defense. They wrote to Occidental College to remind them that California's "Leonard Law" forbids even private institutions from punishing students for "offensive" speech.

Instead of responding to FIRE's serious concerns, Sandy Cooper, general counsel for Occidental College, notified FIRE that I was suddenly being "investigated" by the school for criminal acts, such as slashing tires, registering students for SPAM e-mail, abusing and distributing prescription drugs, and making late-night sexual prank calls to women.

I was never arrested nor charged with any of these crimes. Yet, the school found me "guilty" as I said, of sexual harassment and a hostile environment against my audience.

When I first read the school's allegations I was shocked and hurt: How could my own school so cavalierly accuse me of such serious offenses? I've never been late to class, let alone dealt prescription drugs out of the trunk of my Mazda. These charges were leveled during the final weeks of my senior year and were devastating

to my academics as well as my health. I was pressured into an interrogation only days before final exams. I was stressed out to the point that my physician, as well as my professor, recommended I take a week off from school.

My friends routinely asked me why I was acting so "weird" --they'd never seen me in such bad shape. The college provided no evidence to back up their allegations and never even brought judiciary charges. Was the college leveling these baseless charges simply to scare off FIRE and other groups that might try to help me?

Next, FIRE called Peter Eliasberg, managing attorney for the ACLU of Southern California. Eliasberg vehemently disagreed with the college and said it misconstrued an ACLU position paper to justify charges of sexual harassment. I was happy that I now had two major civil liberty groups on my side, but I was still being judged by students who based their opinions on the lies the administrators who were "investigating" me were publicizing.

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Any privacy I thought I had vanished.

My grades started to suffer, professors were telling me awful rumors about the case, and my last semester in college was completely ruined. Rather than work on my senior paper, I literally spent weeks researching the school's insanely vague rules, and fighting administrators who threatened to expel me. The only time I was able to step back and laugh at the situation while going through all this, was ironically when someone at the college decided to send me letter requesting I donate money to the school! Occidental plowed ahead attacking me rather than admit it was wrong in its decision to punish me. By refusing to rescind the findings of sexual harassment, Occidental was in fact dooming any hopes I had of going to graduate school. This is quite a punishment for just making a few jokes on a satirical radio show.

Occidental administrators went far beyond punishing "offensive" speech; they sought to intimidate and silence me with a campaign of misinformation. For example, a segment of my radio show was titled "Token Black Girls" by one of my African-American friends, to jokingly describe a segment that parodied racial stereotypes.

Is anti-racist social satire prohibited at Occidental because some people misunderstand it? The inability of many in the administration to see past a personal reaction to the title of the show proves that the college administration has become so hypersensitive to perceived "offensiveness" that even obviously satirical social commentary escapes its comprehension.

Fortunately, FIRE and the ACLU understand the difference between "offensive" and "unprotected" speech, even though Occidental does not.

Again, fortunately, there is no Constitutional protection against speech that one finds "offensive" -- if that were ever the case, everyone from Rush Limbaugh to Howard Stern, your butcher to your postal worker would be in jail.

It's time that the public fights against these types of speech codes, and reject the type of backhanded tactics too many college administrators use to threaten and silence their students who actually stand up to their abuse. It is my hope that Occidental will finally overturn its ruling against me, admit their mistakes, and change their illegal speech codes, so this never happens to an Occidental student again.

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