

Foundation for Individual Rights in Education

210 West Washington Square, Suite 303 · Philadelphia, PA 19106

Tel: 215-717-3473 · Fax: 215-717-3440 · fire@thefire.org · www.thefire.org

Alan Charles Kors

CHAIRMAN

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EXECUTIVE DIRECTOR

June 4, 2004

Mrs. Catherine Young Selleck
Chair, Occidental College Board of Trustees
Three Oliver Court
Menlo Park, California 94025

Dear Chairwoman Selleck,

The Foundation for Individual Rights in Education (FIRE) works on behalf of liberty, legal equality, freedom of religion, academic freedom, due process, and freedom of speech and expression on America's college campuses. We write to you and the other members of the Occidental College Board of Trustees today to inform you of a situation on Occidental's campus which indicates possible serious misconduct by Occidental's administration, exposes the college to legal liability, and threatens the very existence of student rights at Occidental. The Occidental College administration's persecution of student Jason Antebi has been so outrageous, in fact, that its actions have been condemned not only by FIRE but also by other civil liberties groups in

mother, his apparent mockery of several members of the student government, and “disrespect and slander” against “women, diversity, and Occidental College.” These students evidently believed that Occidental College could and should punish Mr. Antebi for the “offensive” and “demeaning” content of *Rant and Rave*.

In its March 30 letter to President Mitchell, FIRE pointed out that Mr. Antebi’s comments were protected speech under the First Amendment and that due to a California statute called the “Leonard Law” (California Education Code Section 94367), which requires that even private universities in California extend First Amendment protections to student speech, Occidental was forbidden from punishing Mr. Antebi for his comments. FIRE also pointed to a letter from the U.S. Department of Education’s Office for Civil Rights and to several U.S. Supreme Court cases that make it clear that even highly offensive speech is protected by the First Amendment.

On the same day that Occidental received the letter from FIRE, President Ted Mitchell announced that he had decided to dissolve ASOC (Associated Students of Occidental College—Occidental’s student government). Although President Mitchell did not refer to Jason Antebi by name, almost all of the reasons Mitchell gave for closing down ASOC were related to the college’s accusations against Mr. Antebi. The dissolution of the student government means that the college administration has taken over the distribution of nearly \$500,000 in student fees that would normally be administered by the students’ elected representatives.

On April 2, FIRE received a response to its March 30 letter from attorney Sandra A. Cooper, Occidental College’s general counsel. Ms. Cooper’s five-page letter (attached) accuses Mr. Antebi of a laundry list of offenses including threats, possible drug use, and abuse of his student government position. Cooper then added that Occidental “is still investigating” incidents of harassing telephone calls, anonymous e-mails, defacing brochures, slashing tires, and yelling insults across campus. However, she presented no evidence of any kind that would link Mr. Antebi to this second, more serious set of accusations. She concluded by implying that the ACLU as well as the Department of Education’s Office for Civil Rights, along with the law, would support the college’s punishment of Mr. Antebi.

While FIRE was at first impressed with the apparent thoroughness with which Occidental responded to our letter, further investigation revealed that most of Ms. Cooper’s assertions of fact were false and/or fabricated, and that her understanding of the law and positions that other organizations would take on this case were invalid. **Indeed, many of the college’s factual assertions could be so easily disproved that it strains credulity to believe that these statements could be mistakes rather than deliberately false assertions.** We urge you to read FIRE’s twenty-eight page comprehensive response to Ms. Cooper’s assertions, sent to Ms. Cooper on May 6, 2004, (attached) to gain a full understanding of the outrageous and immoral campaign of deceit that Ms. Cooper and other administrators waged against one of Occidental’s own students. Our research, detailed in that letter, shows that **Occidental College, through Ms. Cooper, omitted crucial facts, reversed and ignored timelines, made claims that are contradicted by multiple independent student sources, and jumped to unwarranted and unsupportable factual and legal conclusions—all in an apparent attempt to dissuade organizations like FIRE and the ACLU from coming to Mr. Antebi’s defense.**

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cc:

Ted Mitchell, President, Occidental College

Frank Ayala, Jr., Dean of Students, Occidental College

Kenyon Chan, Vice President for Academic Affairs/Dean of the College, Occidental College

Sandra Cooper, General Counsel, Occidental College

Maryanne Horowitz, Title IX Officer, Occidental College

Ross Papish, Associate Dean of Students/Director of Student Life, Occidental College

Rameen Talesh, Associate Dean of Students/Director of Residence and Greek Life, Occidental College

Catherine Y. Selleck, Chairwoman, Board of Trustees, Occidental College

Ronald J. Arnault, Board of Trustees, Occidental College

Mark Goodman, Student Press Law Center
Manny Klausner, General Counsel, Individual Rights Foundation
Peter Eliasberg, ACLU of Southern California