**For Release Wednesday, December 8, 2021**

**Capitol View
*Commentary by J.L. Schmidt***

**Statehouse Correspondent**

**Nebraska Press Association**

**How About a Quick Refresher of Regents v. Exon 44 Years Later?**

It was 44 years ago that the Nebraska Supreme Court ruled the University of Nebraska Board of Regents — and not the Legislature — was the university’s governing authority.

The decision in Board of Regents v. Exon comes up every so often, usually when the Executive or Legislative branches of government are huffing and puffing like they are in control. It’s usually a matter of politics and personalities that run afoul of that landmark court decision which granted the eight-member board “the power and responsibility to manage and operate the University as free from political influence and control as possible.”

Nebraska Governor Pete Ricketts has thrown some shade on UNL Chancellor Ronnie Green and University system President Ted Carter. First it was Ricketts’ assertion that he was sure the University was going to teach critical race theory and then he took issue with plans for an examination of racial disparities and discrimination at the schools Lincoln campus.

The Governor isn’t alone in his verbal attacks – he said he doesn’t trust a word that Green says. He has been joined by the ultra-conservative juggernaut of Sens. Steve Halloran of Hastings and Steve Erdman of Bayard. They are calling for Green to resign. Oh, come on, really?

Interesting to note that Regents v. Exon came up a few years ago when Halloran offered a bill requiring colleges and universities to draft free-speech policies and report disruptions to free speech to the Legislature. At the time, Nebraska College of Law associate professor Anthony Schutz told the Education Committee the high court decision “relieves you of having to deal with these problems.”

He further noted Nebraska has relied on an elected Board of Regents vested with the “general government” of the university for more than 140 years.

**For Release Wednesday, December 8, 2021 – Page 2**

Regents can’t curry political favor by taking favorable stances on non-university issues, Schutz said. Likewise, the court severely limited the Legislature’s interference with University prerogatives.

That’s good enough for me. Leave it alone Governor. Let the University conduct its study and feel free to complain about the results if you like. We wouldn’t expect anything less.

Carter said he supports the Journey for Anti-Racism and Equity’s examination and Chancellor Green. The “Commitment to Action,” emerged from nearly 18 months of conversations at the University of Nebraska-Lincoln following the killing of George Floyd by a Minneapolis police officer in 2020. Green said the plan outlines concrete steps to make UNL “a more diverse, inclusive and equitable university.”

Ricketts said he supports a program to get more involvement from minorities in higher education but reiterated his opposition to UNL's stated plan. He also said Green didn’t give him the full picture of what was involved. OK, maybe it was a communication breakdown on the University’s part. But it would simply be a matter of courtesy and not a request for the Governor’s blessing. Remember the court ruling?

The governor also said he did not agree with Carter applauding Green for leading the conversation about addressing racial inequities on campus. Why not? Presumably because, in the Governor’s words, "I was misled by Ronnie Green. I don't believe anything he says anymore, and I don't know how you get that back. I could not be more disgusted with what just happened."

To his credit, Green has not responded. Carter has pointed out that he (Carter) oversaw a similar initiative to improve diversity at the U.S. Naval Academy after he was named superintendent in 2014, because the service academy's demographics did not reflect the country. He said that was done by engaging with young people “who felt called to serve, but who may have looked at us and wondered whether they belonged.”

Carter said he sees a similar opportunity at Nebraska. In an open letter to the state, Carter wrote “these are uncomfortable conversations, with passionate opinions on many sides.

**For Release Wednesday, December 8, 2021 – Page 3**

Not every Nebraskan, nor every member of the university community, will agree with every element of the plan.”

Ricketts called the plan “ideological indoctrination” and said it would “pit people against each other by conditioning everyone to see others through the lens of race rather than as individuals with unique strengths.”

Excuse me Governor. Let me suggest that the rhetoric from your office and the mouths of a handful of state Senators has already had much the same divisive effect. Stop the personal attacks. Stop trying to assert your power where it is prohibited – we’ll talk about the takeover attempt of the state Board of Education later.

Let the University do its job as it sees fit. I know a few University students and I promise I’ll check in with them occasionally to make sure they’re not being indoctrinated. I’m sure they’re more interested in pursuing their degrees.

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*J.L. Schmidt has been covering Nebraska government and politics since 1979. He has been a registered Independent for more than 20 years.*