

**From:** Micky Devitt [Redacted]  
**Sent:** Wednesday, July 14, 2021 9:45 AM  
**To:** Elizabeth O'Connor  
**Subject:** Critical Race Theory

### Non-NU Email

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Good Afternoon Ms. O'Connor,

I am writing with deep concern about Regent Pillen's intellectually backward resolution regarding the banning of critical race curriculum in the University of Nebraska system. It is all the more insulting that this resolution fails to articulate any clear public definition of critical race theory, and that the Governor is championing it without being able to coherently describe what "critical race theory" even is.

The immediate and obvious concern is that this resolution would constitute unconstitutional viewpoint discrimination, and would therefore prompt immediate and expensive litigation. But meanwhile it would irreparably harm the work and lives of University of Nebraska scholars and educators who use this theoretical framework for their research and work (one of whom is my husband). But even more importantly, it would also harm students seeking what a University promises--an education based on current peer-reviewed research and an open exchange of ideas. We are already suffering from brain drain as educated young Nebraskans, especially BIPOC Nebraskans, leave for more hospitable places to live and work. This resolution decidedly would not help matters.

Further, as a substantive matter, Critical Race Theory (born as a jurisprudential theory) provides vital insights into how our legal and other systems have historically been structured around white supremacy. These structures were and are damaging to *all* Americans. And as a labor lawyer with an educational foundation in Critical Race Theory, I can say that it has been instrumental to my understanding of both race in America generally and the ways that racial assumptions operate in our labor and employment laws (and by extension in our larger economy).

I urge you to vote against this resolution, but also to reach out to your colleagues on the Board of Regents to educate them on this matter. I know that as a lawyer you too may already be familiar with CDT, but there are also many Critical Race Scholars within the University of Nebraska system will be more than happy to facilitate honest and informed dialogue about what CRT is, and what it is not.

Thank you for your time.

Micky Devitt  
she/her/hers

*"There's always light if we're brave enough to see it; if we're brave enough to be it."*  
Amanda Gorman, U.S. Youth Poet Laureate