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University Impeachment Trial Opens in Neb.

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LINCOLN, Neb. -- Nebraska's governor took the witness stand before the state Supreme Court on Monday and talked about the importance of the oath of office as the impeachment trial of a University of Nebraska regent opened.

Regent David Hergert has acknowledged accepting an illegal campaign loan and failing to report a late contribution during his 2004 race for the board of regents. In a settlement last year with the state's campaign ethics agency, he agreed to pay \$33,000 in fines.

The Legislature took it a step farther last month and impeached him. Hergert was immediately suspended from his post and it is now up to the Supreme court to decide whether to remove him from the board.

Hergert committed "a series of acts designed to cover up his manipulation of the election," the Legislature's lawyer, David Domina, said in opening statements before the justices Monday.

Defense attorney Sean Brennan countered that the Legislature is asking the Supreme Court to remove Hergert for merely failing to comply with "technical campaign finance reporting requirements."

There is no evidence that he bought votes, coerced votes or stuffed ballot boxes, Brennan said.

The unusual impeachment trial, the state's first in a generation, has generated so much interest that Nebraska Educational Television was broadcasting the proceedings statewide. Five of seven Supreme Court judges would have to find Hergert guilty to remove him from office.

Gov. Dave Heineman was the first witness Monday. His less than five minutes of testimony focused on the importance of the oath of office.

"I take the oath very seriously and I think it's important," Heineman said.

Christopher Ferdico, another Hergert attorney, has argued that the impeachment is a "politically motivated witch hunt" and says the case should be dismissed because it revolves around actions before Hergert took office.

Domina said Hergert would not have been elected if he had not broken the law, and therefore the offenses are tied to his being in office.

University regents, like state legislators in Nebraska, are elected on a nonpartisan basis.

The last Nebraska official to be impeached was Attorney General Paul Douglas in 1984, over dealings with a former savings and loan officer. He was acquitted by the state Supreme Court but resigned after his law license was suspended.

On the Net:

Accountability and Disclosure Commission: <http://nadc.nol.org/>

Nebraska Legislature: <http://www.unicam.state.ne.us/>

Nebraska Supreme Court: <http://court.nol.org/>