

# What Happened to Notre Dame?

Charles E. Rice

Introduction by Alfred J. Freddoso



ST. AUGUSTINE'S PRESS  
South Bend, Indiana  
2009

Copyright © 2009 by Charles E. Rice  
Introduction copyright © 2009 by Alfred J. Freddoso

All rights reserved. No part of this book may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior permission of St. Augustine's Press.

Manufactured in the United States of America.

1 2 3 4 5 6 15 14 13 12 11 10 09

**Library of Congress Cataloging in Publication Data**

Rice, Charles E.

What happened to Notre Dame? / Charles E. Rice ;  
introduction by Alfred J. Freddoso.

p. cm.

Includes index.

ISBN-13: 978-1-58731-920-4 (paperbound : alk. paper)

ISBN-10: 1-58731-920-9 (paperbound : alk. paper)

1. University of Notre Dame. 2. Catholic universities and colleges – United States. 3. Catholics – Religious identity. 4. Academic freedom. 5. University autonomy. 6. Obama, Barack. I. Title.

LD4113.R54 2009

378.772'89 – dc22                      2009029754

*∞ The paper used in this publication meets the minimum requirements of the American National Standard for Information Sciences - Permanence of Paper for Printed Materials, ANSI Z39.48-1984.*

St. Augustine's Press  
[www.staugustine.net](http://www.staugustine.net)

# Table of Contents

Acknowledgments	ix
Introduction by Alfred J. Freddoso	xi
1. Invitation and Reaction	1
2. The Justification: Abortion as Just Another Issue	9
3. The Justification: The Bishops' Non-Mandate	18
4. The Obama Commencement	25
5. ND Response	34
6. Land O'Lakes	42
7. Autonomy at Notre Dame: "A Small Purdue with a Golden Dome"?	54
8. Autonomy at Notre Dame: The "Research University"	57
9. Autonomy at Notre Dame: A Catholic Faculty?	62
10. Autonomy at Notre Dame: Academic Freedom?	68
11. Autonomy at Notre Dame: The Politicization of Abortion	76
12. The Magisterium: Why Notre Dame Needs It	92
13. The Magisterium and the Dictatorship of Relativism	103
14. The Magisterium: Protector of Conscience and Freedom	110
15. God Is Love	118
16. Of Human Life	123
17. Love in Truth	130
18. In Hope We Were Saved	139
19. The Question of Truth: Can "Autonomy" Be Fixed?	143

20. Postscript: Notre Dame as a Lesson for Everyone	153
Appendix: Talk for ND Response – Sunday, May 17, 2009 by Rev. Wilson D. Miscamble, C.S.C.	156
Endnotes	163
Index	181

# Introduction

Alfred J. Freddoso

## *Why I Was Not Scandalized*

WHEN THE White House announced on March 20, 2009, that the University of Notre Dame would be honoring President Barack Obama at its commencement ceremony on May 17, I was neither shocked nor scandalized, despite the fact that in a brief two months since taking office President Obama had, as promised beforehand, taken several significant steps toward promoting the practice of abortion and embryo-destructive stem cell research in the United States and abroad.

The reason I was not shocked was that I had anticipated a few weeks earlier that this very thing might happen. Both sides had much to gain. President Obama could cloak himself in the mantle of Our Lady's university as part of an ongoing campaign to solidify his standing among those many Catholic voters for whom life issues are not very important, or at least not overriding. The university, on the other hand, could reap the great public relations benefits of a presidential visit, once it survived what it undoubtedly expected to be a short-lived protest by the local bishop, John D'Arcy of the Diocese of Fort Wayne-South Bend, and a few hardcore pro-life activists. For an institution like Notre Dame that yearns for the respect of its secular 'peer institutions', the benefits of honoring the President far outweighed what looked like the meager potential costs.

The reason I was not scandalized was that I had, as a member of the philosophy faculty, lived through the last thirty years of those historical trends that Charlie Rice ably identifies in this book: the university's steadily intensifying and often frustrated aspiration to be regarded as a

major player on the American educational scene; the concomitant segregation of faith from reason; the deterioration of the core curriculum for undergraduates into a series of disjointed ‘course distribution requirements’ guided by no comprehensive conception of what an educated Catholic should know; the easy transition from a faculty dominated by ‘progressive’ Catholics to a faculty more and more dominated by people ignorant of the intellectual ramifications of the Catholic faith; the concomitant marginalization of faculty who professed allegiance to, or even admiration for, the present-day successors of the Apostles; and a succession of high-level administrators lacking in a philosophical vision of Catholic higher education and intent on diffusing throughout the university a pragmatic mentality at once both bureaucratic and corporate. In addition to these trends, there had been a series of ‘incidents’ – stretching from the Land O’Lakes Statement and the university’s coziness with the Rockefeller Foundation in the mid-1960s to the tiresomely recurring debate over the *Vagina Monologues* in the first decade of the 21st century – which had served to put more and more strain on the relationship between the university and the Church it claimed to be serving and even to be ‘doing the thinking for’, to cite one astonishingly presumptuous catchphrase used by the university to promote itself. Rice recounts these incidents as well.

All of this, and more, had long ago led me to a personal *modus vivendi* in my attitude toward the university. Notre Dame is a wonderful place in many ways, and I am deeply grateful to have spent most of my adult life here. It is a university as universities go these days, and it is in some obvious sense Catholic. What it is not – and has not been since I have been here – is a *Catholic university*, i.e., an institution of higher learning where the Catholic faith pervades and enriches, and is itself enriched by, the intellectual life on campus. What it is instead is a national private university that is more open to (or, at worst, more tolerant of) Catholic faith and practice than any other national private university I know of. Or, as I like to put it in a less formal idiom, Notre Dame today is something like a public school in a Catholic neighborhood.

This might sound appalling to some, but it is, I submit, what the vast majority of present-day administrators, faculty members, students, and alumni *mean* when they sincerely, though mistakenly, claim that

Notre Dame is a Catholic university. For they assume without much thought that the Catholic character of the university is borne almost entirely by the ‘neighborhood’, i.e., by the university’s sacramental life and associated activities such as retreats, bible study groups, sacramental preparation courses, etc.; by various good works and service projects on and off campus; by a set of faith-inspired rules governing campus life, e.g., single-sex dorms, parietals, restrictions on parties and alcohol consumption, various regulations governing the nature and funding of student organizations, etc.; and by the sheer number of ‘outdoor’ and ‘indoor’ manifestations of Catholicism such as the statue of Our Lady atop the Golden Dome, Sacred Heart Basilica, the Grotto, the “Touchdown Jesus” mural, and scores of statues found all over the ‘neighborhood’. It is here that virtually all of a student’s moral and spiritual formation, if any, will take place. This is where ‘faith’ resides on campus; this is where the ‘heart is educated’, to use another of the catchphrases.

The classroom or laboratory, by contrast, is a wholly different venue, despite the presence of crucifixes. This is the ‘public school’ part of Notre Dame and the locus, by and large, solely of intellectual formation. This is where ‘reason’ resides on campus and where ‘the mind is educated’; and it has little or nothing to do with Catholicism. (It is no accident that the newest science building on campus contains no noteworthy religious symbols in general, and no noteworthy Catholic symbols in particular. That’s the way the science faculty wanted it.)

To be sure, there are a number of professors outside the theology department who self-consciously think of themselves as Catholic (or, as the case may be, Christian or Jewish) intellectuals and who can, in combination with one another, provide a student who chooses his or her courses very carefully with something resembling a Catholic education. Moreover, there are more professors of this sort than one would ordinarily expect to find at a national private university in the United States. Nevertheless, they constitute only a small percentage of the total faculty, and their conviction that a Catholic student’s intellectual life should be fully integrated with his or her Catholic beliefs and practices is very much a minority view. Most faculty members would, to the contrary, be deeply disturbed by the prospect of having doctrinally orthodox Catholicism intrude itself into the classroom.

Even though this “public school in a Catholic neighborhood” model of Notre Dame conflicts in some crucial ways with at least one of the self-images the university uses to promote itself, it is nonetheless a plausible, even if ultimately unstable, model of Notre Dame that has allowed me personally to set aside bitter disappointment and to focus instead on the remarkable intellectual and apostolic opportunities that the university affords. I will return to this point below.

In any case, given this background, it should be easy to understand why I was not scandalized by the university’s decision to honor President Obama. I have come to expect that the teachers and administrators of the public school will periodically decide to tweak the noses of the ‘unenlightened’ among their Catholic neighbors. That’s just the way it often is with public schools in Catholic neighborhoods.

### *The reaction*

Even if I was not scandalized myself, others apparently were. In a moment I will ask why. But first let’s recount some of the highlights.

Instead of the brief outcry anticipated by university administrators, the announcement of the honor to be conferred on President Obama evoked a very long and very spirited protest, one that kept making news almost continuously during the eight weeks between March 20 and May 17. This protest had many prongs:

- \* Bishop D’Arcy, who found out about the invitation to President Obama only hours before the March 20 announcement that the President would in fact be coming to Notre Dame, issued a press release on March 29 rebuking the university for having chosen “prestige over truth.” He pointed out that the university’s intention to honor President Obama was a violation of a 2004 statement in which the American bishops asked that Catholic institutions “not honor those who act in defiance of our fundamental moral principles.” He then made it known that he would not be following his usual custom of attending the commencement ceremony. Just three weeks later, on April 21, D’Arcy would publish a sharply worded letter rejecting the university’s self-serving (and, I might add, internally inconsistent) interpretation of the 2004 bishops’ statement and lamenting “the terrible breach which has taken place between Notre Dame and the Church.”



- \* On March 28 Cardinal Francis George of Chicago, the President of the National Conference of Catholic Bishops, made the extemporaneous comment, caught on video and soon afterwards broadcast on the internet, that the invitation to President Obama was “an extreme embarrassment to Catholics” and that “Notre Dame didn’t understand what it means to be Catholic when they issued this invitation.” (He also revealed that before the White House announcement Cardinal Sean O’Malley of Boston “was to have received an honorary doctorate” at Notre Dame’s commencement ceremony.) This was followed, over the course of the next seven weeks, by a series of public statements by some 83 individual American bishops taking the university’s administration to task, sometimes in extremely harsh terms.
- \* ND Response, a coalition of eleven student groups brought together by their opposition to the university’s decision to honor President Obama, sponsored a protest rally on Palm Sunday (April 5) and a pro-life march on April 17, joined in a previously scheduled Eucharistic Procession on April 26, and organized an alternative program for commencement weekend. Many of the individual students associated with ND Response appeared on national television and radio over the course of the next several weeks explaining the reasons for their protest, and doing it very well. (In a charming moment, Greta Van Susteren of Fox News was taken aback on national television when an ND Response couple, in answer to a question about their post-graduation plans, gleefully revealed that they were getting married in August.)
- \* On April 8 ten priests of the Congregation of Holy Cross, Notre Dame’s founding religious order, published a letter deploring both the university’s decision and “especially . . . the fissure that the invitation to President Obama has opened between Notre Dame and its local ordinary and many of his fellow bishops.” This letter stood in marked contrast to the absence of any public protest against the university or public support for the bishop from the leaders of the Congregation.
- \* Alumni groups were formed to protest the university’s decision and to urge Notre Dame alumni to withhold contributions from the university. One beneficiary of the publicity surrounding the commencement

controversy was Project Sycamore, a group of alumni and friends of the university that had been created in 2006 in reaction to some of the trends noted above. During the weeks of the protest, this group's e-mail list skyrocketed to over 10,000 subscribers.

- \* In late March the Cardinal Newman Society, a watchdog organization dedicated in part to exposing violations of Catholic thought and practice by professedly Catholic colleges and universities, started an on-line petition protesting Notre Dame's action. The petition had garnered a remarkable 360,000 signatures by May 17. In addition, bishops and chancery offices in dioceses all over the country received thousands of letters and e-mails in protest. (My brother, who lives just north of West Palm Beach, reported that a notice in his parish bulletin provided contact information for the president of Notre Dame and pleaded with parishioners not to send the diocesan chancery office any more letters or e-mails about Notre Dame.) This suggests that the bishops who publicly scolded the university were at least in part prompted to do so by a groundswell of dismay from below.
- \* The "Notre Dame scandal" was featured prominently, with plenty of commentary, on popular Catholic blogs and was the subject of many columns critical of the university that appeared on the websites of *The Wall Street Journal*, *National Review*, *First Things* and other conservative-leaning journals.
- \* There were 'unwelcome' outside protesters as well, themselves scornful of what they felt was too tepid a reaction by Bishop D'Arcy and ND Response. One enterprising fellow, who sneered that ND Response and other campus critics of the Obama invitation were no better than "pro-life pacifists," paid to have an advertising plane drone around the campus airspace for a few hours every day with a trailer depicting a tenth week abortion. While the bishop and ND Response repudiated the rhetoric of these outsider protests, many of us still have vivid images of harmless-looking people, including a priest and a nun, being arrested, it seemed, for doing nothing more than walking down Notre Dame Avenue praying the rosary. Almost all those arrested decided to plead 'not guilty' to the trespassing charges against them, and trial dates were set for August and September.

- \* Finally, just as the news coverage finally seemed to be petering out, on April 27 Harvard Law Professor and pro-life hero Mary Ann Glendon announced that she was declining the Laetare Medal, which, according to Notre Dame, is “the oldest and most prestigious honor given to American Catholics.”

Through all of the turmoil leading up to commencement day, the university and its public relations operation seemed to make one bumbling move after another:

- \* On two occasions the university privately sent out “talking points” – one set to the faculty and staff of the business school and the other to the members of the Board of Trustees – giving the recipients advice about how to reply to protestors who might contact them personally with complaints about the university’s action. On both occasions, these talking points were leaked to journalists and made their way to the internet. (One talking point claimed in effect that Mary Ann Glendon’s speech at commencement would balance off President Obama’s; it was among the reasons cited by Glendon for declining the Laetare Medal.) In addition, students making fund-raising phone calls to alumni on behalf of the university’s development office were given “pro-life talking points” that consisted of a list of pro-life activities at Notre Dame. These were to be invoked to mollify those prospective alumni donors who voiced worries about the university’s decision to honor President Obama. However, all the activities listed were initiatives either of the student Right to Life club or of the Notre Dame Center for Ethics and Culture, a unit which is explicitly pro-life, which publicly supported ND Response, and which does not, shall we say, enjoy a particularly warm relationship with the university’s central administration. In other words, none of the cited pro-life activities had been initiated by the university as such.
- \* When the president of the university offered to meet with a group of students from ND Response with no reporters present except his own public relations spokesman (who, as one wag put it, has never met an unpleasant truth he was willing to admit to), the students shrewdly balked, issuing in reply their own set of conditions for the meeting –

including the presence of a journalist of their own choosing. The meeting never took place.

- \* The president of the university gave a speech to a group of alumni in which he answered Bishop D’Arcy’s complaints by pointing out that the university does not normally consult the local bishop about its internal decisions. But he then issued his own interpretation of the 2004 bishops’ statement, claiming that, despite what Bishop D’Arcy might think or say, the university had not violated the statement. (As noted above, this interpretation was roundly rejected by D’Arcy.) So one was left to wonder whether the university did or did not care about what the bishops thought. More generally, throughout the affair, the university’s dismissive treatment of Bishop D’Arcy, public and pointed as it was, displayed a level of arrogance that was exceptionally high even by academic standards.
- \* When Glendon declined the Laetare Medal on April 27, the university immediately announced that it would choose another recipient. But this never happened. Instead, a pliant past recipient agreed to give a speech at the commencement ceremony.
- \* During a regularly scheduled meeting between students and a subcommittee of the Board of Trustees on April 30, one trustee pointed her finger at the student reporting on behalf of ND Response and accused “people like you” of causing the whole controversy.
- \* Apparently, internal dissent by administrative staff members was not looked upon kindly, either. The following is an excerpt from a story about commencement weekend that appeared on *National Review Online*:

“Even some university administrators sympathized, with a handful of recognizable figures attending ND Response events over the weekend. Few wanted to discuss the issue publicly, however. ‘It has been made clear that dissenting publicly won’t be tolerated,’ said one administrator who requested anonymity.”

During the eight weeks from March 20 to May 17 the university kept insisting that the pro-life agenda was central to its mission, that its pro-life credentials were impeccable, and that honoring President Obama in no way undercut its “unambiguous” pro-life commitment. But the more these claims were reiterated, the less convincing they seemed. To paraphrase Bishop D’Arcy, Notre Dame’s action spoke so loudly that it drowned out the university’s claim to be unambiguously pro-life. And what the action said is that while abortion and the mentality it cultivates are bad, they are not really all *that* bad – not bad enough, at least, to prevent one of the most reliable political promoters of abortion in the history of American politics from being honored by Our Lady’s university. Moreover, as Wilson Miscamble, C.S.C., noted in his speech to 3,000 protestors at the alternative commencement rally on May 17, no one doubts that if the President’s beliefs and actions had violated some important tenet of the left-wing political orthodoxy adhered to by most faculty members at the university, he would never have been invited or honored. In short, the consensus among the protestors was that the Obama controversy had cleared the air and allowed the university to be seen for what it is instead of for what it sometimes pretends to be.

### *Why They Were Scandalized*

Anyone who knows the history of the Catholic Church in America realizes that during the first six decades of the 20th century Notre Dame loomed large in the consciousness of the immigrant Catholic communities that had come to populate the eastern seaboard and the Great Lakes region. Notre Dame’s success, especially on the football field, was symbolic of the aspirations of hundreds of thousands of Catholic immigrants who were struggling to “make it” in America and to ensure a better future for their many children. If we concentrate merely on material success, then both Notre Dame and its alumni have indeed made it big in the intervening decades. And, in fact, many American Catholics – perhaps a majority, including a majority of Notre Dame alumni – were undoubtedly pleased to hear that the newly inaugurated President of the United States would be visiting Notre Dame to get an honorary degree.

So who were those discontented protesters? This is really no great mystery, despite the ability of some social scientists to muddy even the clearest waters. If you are an American Catholic, then the more central Catholic belief and practice are to your life, the more likely you were to be upset by Notre Dame's decision to honor President Obama. Or, to put it as serious Catholics would themselves put it, the more centered your life is on Jesus Christ and what Vatican II calls your "baptismal call to holiness," the more likely you were to disapprove of the university's decision. You would also be more likely to think of yourself as 'countercultural' in many ways or, to put a more positive slant on it, as part of what Pope John Paul II dubbed the "culture of life," a community of people who first and foremost think of their own lives and the lives of others – both natural lives and supernatural lives – as gifts from God.

But to be upset is not yet to be scandalized. For that, one also has to have gone some way toward accepting at face value Notre Dame's carefully crafted and relentlessly marketed image of itself as the "greatest Catholic university in the world."

So what happened is that "the greatest Catholic university in the world" did something that it considered squarely in line with its claim to be Catholic, and yet a large number of serious Catholics – large enough to keep the story in the news for eight straight weeks – begged to differ, and loudly. The problem was that the university, still stuck in a "pre-JP2" mindset, was wholly out of touch with the new wave of serious Catholics, including a bunch of surprisingly outspoken bishops. Two weeks after graduation I tried to capture this split with brief images in a letter that appeared in the local diocesan newspaper:

As a faculty member at Notre Dame, I want to apologize to Bishop D'Arcy for the breathtakingly shameful manner in which he has been treated by the administrators of my university. They think the bishop is out of touch. But the fact is that they themselves have lost touch with the faithful Catholics in the pews, the ordinary people who put faith in Jesus Christ at the very center of their lives – the families with lots of kids, including handicapped kids; the people who have spent years helping women with problem pregnancies, both before and after the birth of their children; the

people who take care of one another in emergencies; the younger idealistic ‘JP2’ Catholics – in short, the very people who have been quietly building an impressive culture of life in our country right under the noses of those who have led Our Lady’s university astray. These people do not have to reassure everyone that, despite appearances to the contrary, they are ‘unambiguously pro-life’. They just *are* pro-life. And they instinctively recognize a great bishop when they see one.”

What one finds in Charlie Rice’s book is all the background information needed to understand how this disconnection became a reality. The various factors on the university’s side of the split can be accurately summarized by what I call “the four I’s,” viz., *impatience*, *infidelity*, *ingratiation*, and *impenitence*.

As Notre Dame’s drive to become a distinguished university was maturing in the late 1950s and into the next three decades, the time was neither right nor ripe for the massive growth that the university would experience. The vision of what this “great Catholic university” would be was too vague, the times were too tempestuous, and the philosophical reflection on the matter was too spotty and too superficial to serve as a guide on rough seas. Yet it was “full steam ahead,” nonetheless. This is in part what I mean by *impatience*.

But the really crucial factor was the *infidelity*, which effectively took the form of a gamble – made in the early 1970s in the wake of Vatican II and in the aftermath of the dissenting reaction to Pope Paul VI’s encyclical *Humanae Vitae* – that some form of ‘liberal’ or ‘progressive’ Catholicism, freed from (or, to put it more neutrally, disengaged from) the philosophical and theological underpinnings of the past, would emerge as the ‘serious’ Catholicism of the future. Perhaps at the time this did not seem like much of a gamble. After all, a significant percentage of American bishops, along with their closest advisors, seemed perfectly comfortable with progressive agendas. In any case, at Notre Dame the attitude of dissent from and disdain for the Vatican played a significant foundational role in shaping hiring policies, tenure decisions, key administrative appointments, curricular reform, and admissions strategies for the next thirty years.

Impatience and infidelity were then combined with an obsequious

desire to imitate those schools that had already attained 'success'. Imitation was really the only possibility left open at this point, given that the 'Thomistic synthesis' that had previously served as the intellectual foundation for the distinctiveness of Catholic higher education had already been jettisoned by the progressives. The result was that, despite some relatively vapid rhetoric to the contrary, neither Notre Dame nor any other large Catholic university was in a position to challenge prevailing models of success in secular higher education with a detailed and self-confidently articulated alternative. So since at least the early 1980s Notre Dame has been struggling mightily to keep up with the Joneses amid what might fairly be called a culture of *ingratiatio*. Policies were sometimes adopted for no other reason than that "this is the way they do it at Princeton (or Duke or Stanford or Vanderbilt, etc.)." (For those who need examples, I will cite just two recent ones: the top-down push for quasi-professional 'undergraduate research' in the humanities, and a new rule that prohibits professors from having close relatives enrolled in their courses.) The thought seems to have been that if only we imitate the others, they will accept us as a peer – and the hidden rider was always "despite our Catholicism" (and, one might add, "despite our big-time football program"). To be fair, there were obvious cases in which it was entirely appropriate for a growing Notre Dame to imitate more established and prestigious institutions of higher learning; for instance, by paying close attention to what other similar schools were doing, Notre Dame's endowment management team has become one of the best in the country. But there were just as obvious cases in which such imitation was inappropriate and should have been seen as such. Unfortunately, by this time the intellectual ramifications of the Catholic faith, which might have guided such decisions, had been set aside, the Catholic character of the university having already been relegated to the 'neighborhood'. Despite what the rhetoric of graduation weekend or of festive presidential installations might have suggested, the university was being led by pragmatists who did not have a comprehensive philosophical vision of Catholic higher education, or a correlative plan of action, to guide them. As time went on, the increasing antipathy of the many newly appointed faculty and administrators toward talk of Notre Dame's Catholic character served to reinforce the trends that the original infidelity had initiated. This



brings us up to the present day and helps to explain how the more recent vibrant and faithful manifestations of Catholicism have slipped off the university's radar screen.

But there have not been, and likely will not be, any apologies. This is what I mean by *impenitence*. At the beginning of the millennium, everyone on campus was happy to hear Pope John Paul apologize for the most egregious sins of his predecessors in the hierarchy of the Church. But don't expect Notre Dame administrators to issue an apology for past sins, or even to acknowledge those sins. I have often imagined a future president of Notre Dame walking in sack cloth and ashes down the "God quad" that stretches from the front of the domed administration building toward the statue of the Sacred Heart of Jesus and, beyond that, to the statues of Edward Sorin, C.S.C., the founding father of Notre Dame, and of Mary the Mother of God; he would be reciting the most egregious sins of past university administrators, striking his breast and begging for forgiveness. Somehow that could be the beginning of the salvation of the place I love so much.

A pretty picture, to be sure. But short of direct divine intervention, nothing resembling it will ever become a reality – especially now that Notre Dame, like so many big universities, has been infused with the mentality of a frustratingly bureaucratic and, to put it frankly, soul-less corporation. The "four I's" have left little room in the minds of Notre Dame's leaders for Jesus Christ and his faithful followers in the Church. But what these leaders did not count on, and what has now in 2009 helped disperse the fog of ambiguity clouding Notre Dame's relationship to the Church, was the warm sunshine cast by the 26-year pontificate of John Paul II, followed immediately by the papacy of Joseph Ratzinger – along with the profound effect these holy and brilliant men have had and continue to have on the young people whom they have inflamed with love for Jesus Christ and his Church. As one commentator put it with a wry smile, "It almost reminds you of the Gospels."

In the mid-1980s, a short time after John D'Arcy became bishop of Fort Wayne-South Bend, he had the name of the diocesan newspaper changed from *The Harmonizer* to *Today's Catholic*. Knowing the bishop's 'conservative' tendencies ("He's no friend of Notre Dame," I heard more than once in those days), a progressive friend of mine joked that they should have renamed the paper *Yesterday's Catholic* instead.

But, ironically, as I looked around on May 17 at the crowd of mostly young students and young families who were in attendance at the alternative commencement rally on the south quad, I wondered aloud just who “yesterday’s Catholics” were in 2009. Whose vision of the Church was leading to a dead end? And whose vision was instead inspiring young people to dedicate their lives to the Kingdom of God in opposition to the surrounding culture? Whose vision was turning out to be sterile and bourgeois? And whose vision was instead turning out to be fruitful?

Since the mid-1990s there has been a continuous presence of what we might call JP2-Catholics within the undergraduate population at Notre Dame. This is still a fairly small minority of students; I would put the number at no greater than 5% of the total undergraduate population at any given time, though this estimate may be a bit on the low side. Still, the overall undergraduate population of the university is 8,500, and so at any given time there are several hundred students on the Notre Dame campus who are on fire with the faith and whose influence extends far beyond their own small circle. My close friend Janet Smith, who was a faculty colleague in the 1980s, turned to me during the alternative commencement rally on May 17 and marveled, “Nothing like this would have been possible in the ’80s. We just didn’t have as many students of this sort, willing to be witnesses to Christ no matter what others think.” These are the young Catholics that the university has lost touch with. These are, in Chesterton’s words, the children who are “fanatical about the faith where the fathers had been slack about it.”

One might reply that the university can easily survive without such as these. This is true enough in merely human terms. After all, a \$6 billion endowment can go a long way in the City of Man. But the Notre Dame mystique has always, until now at least, included a reference to something more noble and more Christ-like than power and wealth and honor and fame. Without that something more, whatever survives might be impressive in many ways, but would it still be Notre Dame?

### *What Now?*

The president of the university received three standing ovations at the annual faculty dinner on the Tuesday following commencement. To be sure, various lower-level administrators were circulating among the

tables encouraging faculty members to applaud loudly and often. But most faculty members needed little such encouragement. The university administrators had stood up ‘courageously’ against their ‘oppressors’ in the Church, and in the eyes of the vast majority of faculty members they accordingly deserved high praise.

The daily life of the university can undoubtedly go on, at least superficially, as if nothing happened in the spring of 2009 – especially on the premise that football goes well. (During the fall semesters at Notre Dame, campus controversies normally move to the background for as long as the football team has fewer than two losses.)

But there are at least three unstable elements that could lead to further ‘incidents’ in the relatively short-term future.

The first has to do with the university’s relationship with the Church. John D’Arcy is at present the oldest bishop in the country who is still actively governing a diocese. His last public acts on the Notre Dame campus in the spring of 2009 were two impressive appearances at commencement weekend events sponsored by ND Response. Despite his original intention to forego the Sunday rally, “I realized that it was a requirement for the bishop to be present with these beautiful young people and with those whom they had drawn to Notre Dame and to a pro-life rally on the south quad.” As long as he remains bishop of Fort Wayne-South Bend, the university is unlikely to reach out to him with anything like a public apology for its actions or its shabby treatment of him in the spring of 2009.

This sad state of affairs in effect gives the new bishop, whenever he happens to come along, a completely free hand in dealing with the university. For 25 years Bishop D’Arcy pursued what might justly be called a conciliatory strategy toward Notre Dame, despite the fact (which he knew) that certain university administrators were continually laughing at him behind his back. On several occasions when I urged him to be a bit more aggressive in his dealings with the university, his reply was always the same: “What you don’t know is how much worse the situation could have been if I were not operating as I do.” However, given the new post-Obama circumstances, the next bishop will have no particular reason to be at all deferential to the university. Will he perhaps see his role as limited to overseeing the sacramental life on campus (no easy or insignificant task in itself)? Will he perhaps feel disin-

clined to publicly validate the university every year by showing up as a token churchman at graduation weekend festivities? Will he perhaps even refuse to attend football games regularly as the university's guest? If no reconciliation has occurred before his arrival, will he simply sit back and wait for the university to take a first step toward healing "the breach" that Bishop D'Arcy spoke of?

The answers to these and other similar questions will go a long way toward determining whether Notre Dame will be able to get away with insisting, as it would undoubtedly like to, that the pre-Obama *status quo* with the Church remains in effect, or whether instead the university will at some point be compelled by internal and external pressures to articulate with more precision its own conception of what its relationship to the Church is and should be. This latter, less pleasant, possibility would call for some tough choices on the part of the university.

It is not inconceivable that, if forced to choose one way or the other, the university would decide that its own conception of progress dictates an independence from the Church that goes beyond anything envisioned heretofore. Such a decision would immediately undercut recent attempts to increase the number of Catholic faculty members. More fundamentally, it would raise questions in the minds of faculty members about why the university should want to put an emphasis on hiring Catholics in the first place, or why it should feel compelled to maintain the present mandated level of 85% Catholics in the undergraduate population, or why it should hold on to 'antiquated' rules about student life that put it at a competitive disadvantage relative to its peer institutions, or why it should require undergraduates to take philosophy and theology courses, or even why it should allow the Congregation of Holy Cross to maintain such a high level of influence, out of all proportion to its numbers, in either the 'public school' or 'the neighborhood'.

But suppose that the university chose instead to reinforce its Catholic 'brand' in some robust sense. Then it might well end up taking steps that either antagonize faculty members or conflict with certain institutional goals set by current administrators. Suppose, for instance, that the university decided to back up its claim to be "unambiguously pro-life." One obvious step would be to allow the Women's Care Center, a highly successful local pro-life pregnancy help organization, to open a branch office on campus – a move that, for whatever

reason, the university has resisted in the past. Even this relatively innocuous initiative would undoubtedly irritate at least some faculty members. Another initiative, explicitly suggested by ND Response during the Obama controversy, would be to promise that the university will have nothing to do, directly or indirectly, with embryo-destructive stem cell research. But there are at least two ways in which such an initiative might conflict with institutional goals. First, current administrators long for the university to be accepted into the Association of American Universities (AAU), which includes as members all the peer institutions that Notre Dame seeks to emulate. However, the AAU is one of the biggest lobbyists in Washington for embryo-destructive stem cell research. Second, such an explicitly pro-life promise might jeopardize the university's current close relationship with the branch of the Indiana University School of Medicine that is located on the edge of the Notre Dame campus. And, more generally, any new moves that show even the least obeisance to the Church would immediately raise red flags in the eyes of the faculty.

The second element of instability involves the Congregation of Holy Cross. To my mind, the Congregation is the biggest loser in the Obama affair. First of all, the fact that the Congregation's leaders did not respond strongly or straightforwardly to the university's action may very well result in a loss of vocations, which tend to come nowadays from among the JP2 Catholics. Second, I know from personal conversations that many of the Congregation's younger priests, along with a good number of the seminarians, were deeply discouraged by what they saw as the university's betrayal of the Catholic faith in the Obama affair. The Congregation can ill afford to lose any of these young people, but a continuation of the peace-at-any-price mentality that seems to have a grip on the older generation might well discourage them even further and add to tensions within the Congregation itself.

Factors such as these weaken the Congregation and thus play into the hands of the many faculty members and administrators who strongly believe that Notre Dame's ties to the Congregation – beginning with the requirement that the president of the university, along with six of the twelve members of the powerful Board of Fellows, must be priests of the Indiana Province of the Congregation – retard the university's progress toward 'greatness'. It is not inconceivable that at some time in

the short-term future there will be an organized movement to abolish such requirements and to push the Congregation into some sort of merely ceremonial relationship to the university.

The third element of instability is just the “public school in a Catholic neighborhood” model itself, independently of the other two elements. Before I get to that, however, I want to emphasize just how attractive a model this is.

First and foremost, it fits the present reality very well.

Second, it makes Notre Dame an attractive school for well-formed Catholic students who are choosing between Notre Dame and other national private universities and who would prefer a general climate that is hospitable to the practice of the faith. (The matter is more complicated if such a student is choosing between Notre Dame and a school like, say, the University of Dallas, which has a core curriculum with a coherent conception of Catholic higher education behind it.)

Third, as things now stand, the neighborhood’s Catholic character is still strong enough to have a residual effect on the public school. More specifically, Catholic intellectuals on the faculty have, in most departments, quite a bit of freedom in choosing which courses to offer and which topics to address in the classroom. To use myself as an example, every year I teach at least one course for philosophy majors on St. Thomas’s *Summa Theologiae*, something that would be frowned upon, if not forbidden, in many secular philosophy departments. Better yet, I occasionally teach a majors course on G.K. Chesterton, and best of all, last semester I team-taught a course on Joseph Ratzinger. In other words, the public school is still aware that it is located in a Catholic neighborhood, and so it allows deviations from the standard norms of domineering secularism that one tends to find in the academy nowadays. (A few years ago, after having given a lecture on faith and reason in my standard Ancient and Medieval Philosophy course for majors, I was asked by a student whether I would be allowed to teach such a course at Princeton. I wasn’t quite sure of the answer.)

This last point is important for understanding an otherwise puzzling phenomenon that occurred during the Obama controversy: Several of the newer Catholic intellectuals on the faculty did not want the students of ND Response to protest against the university’s action; I am talking here about devout Catholics and in some cases daily

communicants. Why were they of this mind? To put it straightforwardly, they are very happy at Notre Dame because they feel liberated here, whereas in the past they felt constrained or even oppressed at the more secularized schools where they were teaching. The protestors, they felt, were threatening this wholly acceptable *status quo* and might trigger a negative reaction that would drive the university in the direction of the sort of secularism that they themselves were very happy to have escaped.

I find this an entirely reasonable position – even if not a particularly noble one, given what is at stake in the disagreements over beginning-of-life issues. I must confess that I myself was tempted to stay out of the fray when the honor for President Obama was first announced. I had long ago given up trying to ‘save’ Notre Dame, and while the honor for the President was indeed highly objectionable, so were lots of other things the university was doing.

In the end, like Bishop D’Arcy, I came to feel that my place was with “those beautiful young people” of ND Response, many of whom I knew personally as their teacher and academic advisor. What really struck me in talking with them was how they continually and prayerfully examined and re-examined *their own* motivations: Is this for Christ or is it for us? Is this justifiable indignation or is it a personal vendetta? And so on. “These kids are sort of, well, *holy*,” I thought, “Maybe they *can* save Notre Dame.” And so I decided to shoot off my mouth one last time. It’s been fun.

In any case, the main point I want to make here is that the present situation is inherently unstable. The historical record laid out for us by authors such as George Marsden and James Burtchaell, C.S.C., suggests that what this “public school in a Catholic neighborhood” model describes is just a phase that the university is going through on its way toward eventually losing its soul completely.

I pray that this is not so. So does Charlie Rice. But one purpose of this book, unfortunately, is to show that the movement toward secularization at Notre Dame is much further along than most people would have believed before March 20, 2009.





## Invitation and Reaction

*“What the hell happened?”*

STEVE MCQUEEN, as Jake Holman, the bad-luck sailor in *The Sand Pebbles*, a tale of a United States Navy gunboat on the Yangtze River in 1926, shouted those final words into the night as he lay, alone and wounded in the mission courtyard, waiting for the advancing Chinese rebels to find and kill him.

Something like Jake Holman’s question must have occurred to many friends of the University of Notre Dame when they heard that President Barack Obama would be the principal speaker, and receive an honorary doctor of laws degree, at the 2009 Commencement. The announcement triggered protests from Notre Dame alumni (including subway alumni) and students as well as others. A prominent Cleveland alumnus, echoing Jake Holman, expressed a not uncommon view on Notre Dame’s administrators, “Who the hell are these guys?” More than 350,000 persons signed an on-line petition by The Cardinal Newman Society asking the Notre Dame President, Rev. John I. Jenkins, C.S.C., to rescind the invitation.

Two cardinals, Cardinal Francis George, President of the U.S. Conference of Catholic Bishops, and Cardinal Daniel DiNardo, of Houston, protested the invitation, as did 83 bishops. Cardinal George described Notre Dame as “the flagship Catholic university” and described its honoring of Obama as an “embarrassment.”<sup>1</sup>

Archbishop Raymond L. Burke, Prefect of the Supreme Tribunal of the Apostolic Signatura, the Church’s highest court, denounced the invitation: “Dialogue and respect for differences are not promoted by the compromise and . . . violation of the natural moral law. The . . . granting of an honorary doctorate at Notre Dame . . . to our President who is aggressively advancing an anti-life and anti-family agenda is a source of the gravest scandal.

Catholic institutions cannot offer any platform to, let alone honor, those who teach and act publicly against the moral law. In a culture which embraces an agenda of death, Catholics and Catholic institutions are necessarily counter-cultural. If we . . . are not willing to accept the burdens and the suffering necessarily involved in calling our culture to reform, then we are not worthy of the name ‘Catholic.’”<sup>2</sup>

Bishop John M. D’Arcy of the Fort Wayne-South Bend diocese, in which Notre Dame is located, refused to attend the Commencement. “My decision,” he said, “is not an attack on anyone, but is in defense of the truth about human life. I have in mind also the statement of the U.S. Catholic Bishops in 2004: ‘The Catholic community and Catholic institutions should not honor those who act in defiance of our fundamental moral principles. They should not be given awards, honors or platforms which would suggest support for their actions.’ . . . [T]he measure of any Catholic institution is not only what it stands for, but also what it will not stand for. . . . Let us ask Our Lady to intercede for the university named in her honor, that it may recommit itself to the primacy of truth over prestige.”<sup>3</sup> Notre Dame did not care much what Bishop D’Arcy thought. The first thing he knew of the invitation was when he was told by Fr. Jenkins that Obama had accepted it.

Notre Dame officials presented the invitation as a routine gesture to presidents in their first year in office.<sup>4</sup> The record does not support that excuse. President Obama is the ninth president to receive an honorary degree from Notre Dame but only the sixth to address the graduates. President Clinton received neither honor. Nor is there an unbroken custom that, if a president is invited, it must be in his first year. President George H.W. Bush spoke at Commencement in 1992, his fourth year in office, and President Eisenhower spoke in his eighth, in 1960.<sup>5</sup>

We will discuss in Chapters 2 and 3 the reasons advanced by Notre Dame’s executives for the invitation. They must have known that the invitation of Obama would dominate and politicize the graduation. They must have known, too, that their conferral of Notre Dame’s highest honors on President Obama would imply a general commendation of the man and his policies. In the conflicts over those policies, they committed, in perception but also in fact, the name and prestige of Notre Dame to the side that is hostile to major imperatives of faith and reason affirmed by the Catholic Church. Let’s look at some issues.

*Abortion*

President Obama is the most relentlessly pro-abortion public official in the world. When asked by Rev. Rick Warren of Saddleback Church, during the 2008 campaign, “At what point does a baby get human rights?” Obama replied that “answering that question with specificity is above my pay grade.”<sup>6</sup> But with respect to a child who survives an abortion and is alive outside the womb, Obama, in the Illinois Senate, spoke and voted against the Born-Alive Infants Protection Act. That bill provided that “A live child born as a result of an abortion shall be fully recognized as a human person and accorded immediate protection under the law.”<sup>7</sup> President Obama supports the Freedom of Choice Act which would establish a “fundamental right” to abortion and would ban practically every federal or state law restricting abortion.<sup>8</sup> On his fourth day in office, Obama overturned the Mexico City Policy that had forbidden organizations receiving federal funds to perform or promote abortions in other countries.<sup>9</sup> He has restored to the UN Population Fund (UNFPA) the funding that President Bush had stopped because of the Fund’s support for forced abortions.<sup>10</sup> Obama opposes the Hyde Amendment and similar restrictions that deny public funding for most abortions.<sup>11</sup> As President, his appointments of significant federal officials have predominantly included pro-abortion activists and supporters.<sup>12</sup>

*Embryonic Stem Cell Research*

President George W. Bush, on August 9, 2001, restricted federal funding for research on embryonic stem cell lines created after that date. President Obama revoked that Bush restriction.<sup>13</sup> The Obama order authorized the Secretary of the Department of Health and Human Services (DHHS) to “support and conduct responsible, scientifically worthy human stem cell research, including human embryonic stem cell research, to the extent permitted by law.” Incidentally, Obama’s Secretary of DHHS, Kathleen Sebelius, a Catholic, had a strongly pro-abortion record as Governor of Kansas, including persistent vetoes of restrictions on late-term abortions.<sup>14</sup>

Adult stem cells, derived from bone marrow and other sources, have been used successfully in relieving various injuries and medical conditions. Embryonic stem cells have never successfully treated a human

patient for anything. Research indicates that “embryonic stem cells injected into patients can cause disabling if not deadly tumors.”<sup>15</sup> Federal funding of embryonic stem cell research (ESCR), however, can make it a lucrative, if unfruitful, enterprise.

No moral problems arise in the use, with consent, of adult stem cells. But every embryo is a living human being. To remove the stem cells kills that embryo. It is, in moral terms, a murder. The essential point is that human life begins at conception or fertilization, the joinder of the sperm and the ovum, whether that takes place in the natural way or through artificial means such as *in vitro* fertilization. As noted below, a type of fertilization can also occur in cloning. After fertilization, the one-cell zygote divides and becomes an embryo, then a fetus at eight weeks, then a newborn and so on through high school, etc. At every stage “the human being is to be respected and treated as a person from the moment of conception.”<sup>16</sup>

The Draft Guidelines on Human Stem Cell Research were issued by the National Institutes of Health for DHHS on April 20, 2009. The final Guidelines for Research Using Human Stem Cells went into effect on July 7, 2009. They provide that “[H]uman embryonic stem cells” may be used in research using NIH funds, if the cells were “derived from human embryos . . . that were created using *in vitro* fertilization for reproductive purposes and were no longer needed for this purpose [and] were donated by individuals [‘donors’] who sought reproductive treatment and who gave voluntary written consent for the human embryos to be used for research purposes.”<sup>17</sup> The Guidelines permit funding of ESCR only on embryos left over from reproductive *in vitro* fertilization techniques in which embryos are created but only some are implanted in the woman’s womb to be carried to term. The excuse that such left-over human beings “are going to die anyway” does not justify intentionally killing them any more than it would justify involuntary lethal experiments on condemned criminals.

The Guidelines do not allow federally funded ESCR using embryos specially created for research purposes by *in vitro* fertilization or cloning.<sup>18</sup> Such “is prohibited,” according to the Guidelines, “by the annual appropriations ban on funding of human embryo research . . . otherwise known as the Dickey-Wicker Amendment,”<sup>19</sup> which bars funding for “the creation of a human embryo or embryos for research purposes; or [for] research in which a human embryo or embryos are destroyed, discarded, or knowingly

subjected to risk of injury or death greater than that allowed for research on fetuses in utero.”<sup>20</sup> Efforts are underway in Congress, however, to terminate the Dickey-Wicker restriction so as to allow federal funding of the creation of embryos, by cloning or *in vitro* fertilization, for use in research.<sup>21</sup>

### *Cloning*

In cloning, the nucleus of a somatic cell, which is any cell of the body other than a sperm or egg cell, is inserted into an egg (ovum) cell from which the egg cell’s nucleus has been removed. The egg is then electrically stimulated to react as if it had been fertilized by a sperm cell. The result is a one-cell zygote which divides and develops.<sup>22</sup> For the first eight weeks it is called an embryo. The cloned embryo is genetically identical to the donor of the somatic cell. Depending on the use made of the cloned embryo, cloning can be “reproductive,” in which the embryo is implanted in a woman’s womb and carried to term, or “therapeutic,” in which the embryo is killed by removal of the stem cells for use in research. Both types are condemned by Catholic teaching.<sup>23</sup> “We will ensure,” Obama said, “that our government never opens the door to the use of cloning for human reproduction. It is dangerous, profoundly wrong, and has no place in our society, or any society.”<sup>24</sup> He opened the door, however, for the worse evil of therapeutic cloning. Once the Dickey-Wicker restriction is removed, we can expect that the Obama Administration will fund the creation of new human beings by cloning for the purpose of killing them and using their stem cells for research.<sup>25</sup> The experiments performed by Nazi doctors on concentration camp prisoners were unimaginative and primitive by comparison. By conferring Notre Dame’s highest honors on the national leader who is setting the stage for such an atrocity, Notre Dame’s officers acted like “good Germans” who were submissive to their Führer.

In his 2002 book, *God and the World*, Cardinal Joseph Ratzinger, now Benedict XVI, discussed the description in *Genesis* 3 of the posting of angels east of Eden with flaming swords to keep man, after the Fall, from eating of the Tree of Life. After the Fall, man was forbidden to eat of that tree which gave immortality, “since to be immortal in this [fallen] condition would . . . be perdition.” People are now, Ratzinger said, “starting to pick from the tree of life and make themselves lords of life and death, to reassemble life.

“[P]recisely what man was supposed to be protected from is now actually happening: he is crossing the final boundary. . . . [M]an makes other men his own artifacts. Man no longer originates in the mystery of love, by . . . conception and birth . . . but is produced industrially, like any other product.”

This is serious business. “[W]e can,” said Ratzinger, “be certain of this: God will take action to counter an ultimate crime, an ultimate act of self-destruction, on the part of man. He will take action against the attempt to demean mankind by the production of slave-beings. There are indeed final boundaries we cannot cross without turning into the agents of the destruction of creation itself, without going far beyond the original sin and the first Fall and all its negative consequences.”<sup>26</sup>

### *Rationing of Health Care*

At the other end of life, the Obama Stimulus Package contains health care provisions that foreshadow a change from current standards under which Medicare pays for treatments that are safe and effective. The Stimulus applies a cost-effectiveness standard that would be likely to entail rationing of health care in some situations.<sup>27</sup> “It doesn’t matter what your doctor says,” claimed a *Washington Times* editorial. “[T]he Obama administration plans to decide if you will have cancer treatment or heart surgery. Appearing on ‘Meet the Press’ . . . Lawrence H. Summers, President Obama’s chief economic adviser, stated, ‘Whether it’s tonsillectomies or hysterectomies . . . procedures are done three times as frequently [in some parts of the country than others] and there’s no benefit in terms of the health of the population. And by doing the right kind of cost-effectiveness . . . some experts . . . estimate that we could take as much as \$700 billion a year out of our health care system.’ Let’s be clear – Mr. Summers is talking about rationing. . . . Mr. Summers tried to kill the pain by saying it all wouldn’t have to be cut right away. That’s only comforting if it’s not your loved one’s transplant that bureaucrats reject. The hypocrisy is enough to make a heart stop. A White House that doesn’t think government should intervene between a doctor and a woman deciding whether to have an abortion has no problem telling doctors whether they can perform tonsillectomies or hysterectomies.”<sup>28</sup>

As Senator Tom Coburn (R-OK), a physician, put it, “the ultimate result of every government-run healthcare plan around the world is

rationing. [M]ost of the expenses come from . . . senior citizens. . . . Most of the cuts will come from . . . payments for those senior citizens. So you . . . will end up with a form of rationing that will have a tremendous impact on care.”<sup>29</sup>

### *Abolition of Conscience Protection*

On December 18, 2008, the Bush Administration published new “conscience rules,” timed to take effect just before the Obama Administration took office on January 20, 2009. “The . . . regulation cuts off federal funding for any state or local government, hospital, health plan, clinic or other entity that does not accommodate doctors, nurses, pharmacists and other employees who refuse to participate in care they find ethically, morally or religiously objectionable.”<sup>30</sup> The regulations were necessary because various statutes<sup>31</sup> “that would otherwise prevent discrimination against hospitals and health care workers were being ignored or overlooked.”<sup>32</sup> The Obama Administration has moved to rescind those Bush regulations.<sup>33</sup> The statutes protecting against discrimination are still in effect. But the rescission of the enforcing regulations portends a lack of enforcement, if not an outright repeal, of some or all of those statutes. The regulations made the statutes effective. Why remove the regulations unless the intent is to ignore or even repeal the statutory conscience protections? As Cardinal Francis George put it, the removal of the rule, “that [protects] doctors, nurses and others . . . who have objections in conscience to . . . abortion and other killing procedures . . . would be the first step in moving our country from democracy to despotism.”<sup>34</sup> On July 2, 2009, President Obama told representatives of the Catholic press that “I reiterated my support for an effective conscience clause in my speech at Notre Dame.”<sup>35</sup> Obama’s mention of conscience at Notre Dame was deceptive, as we shall see in Chapter 4.

Many Notre Dame alumni and students are in the health care professions or in pre-medical studies. The University’s conferral of Notre Dame’s highest honors on the man who is moving to force medical professionals to choose either to leave their profession or participate in the execution of the unborn or other violations of conscience, was an inexcusable betrayal of a fiduciary duty to those alumni and students.

### *Other Issues*

President Obama’s record on these life and conscience issues provides

abundant reason why he should not have been honored by Notre Dame. Other aspects of his record, including his unprecedented fiscal deficits and such a stunning expansion of executive power and of federal control over private entities and states that it amounts to an extraconstitutional coup, should have alerted Notre Dame's administrators to the recklessness of committing the name and reputation of Notre Dame to Obama in the face of such well-grounded opposition to him and his policies. Unmentioned in the background are the pending lawsuits – not yet finally resolved on the merits – that raise serious questions as to Obama's eligibility for the office.<sup>36</sup> If the challenges are finally upheld and Mr. Obama is held to be ineligible, unprecedented questions of fraud would arise. It was imprudent to honor Obama in the absence of a resolution of those questions.

Despite the erosion of its Catholic character, which we will discuss in later chapters, Notre Dame has endured for many as an icon, a rock, of Catholic integrity. It was more than football and more than the TV ads during football games depicting Notre Dame students and faculty as "Fighting Irish" against global warming and other politically correct foes (but never against abortion). It was tied up with an image, however false, of Notre Dame as sort of a Marine Corps of the Catholic Church. In view of his record, Notre Dame's conferral of its highest honors on Obama gave scandal to alumni, students and the public. It understandably raised Jake Holman's question. We will try to explain what happened. And why.