



September 12, 2009

Rev. John I. Jenkins, C.S.C.  
President  
University of Notre Dame  
400 Main Building  
Notre Dame, IN 46556

Dear Father Jenkins:

I write respecting the prosecutions of the persons charged with trespassing on University property during the Commencement period. Because the subject of your declining to play any further role is now receiving public attention through the circulation of, and commentary upon, Thomas Brejcha's Open Letter to you on behalf of the Thomas More Society Law Center, and because the issue bears upon the Catholic identity of the University and is of interest to our constituents, we have decided to treat it in a coming bulletin.

I have recently exchanged messages on the subject with Ms. Corr, who was good enough to get in touch with me after I had written Dick Nussbaum. I would ordinarily not pursue the matter further, but in this case I thought I should because you are so directly involved personally and because, I am frank to say, it seems to me so very clear to me that the interests of the University are ill served by the course so far pursued.

I do have one observation to add to what I wrote Mrs. Corr, but in the main my letter to her will serve here. This is the text:

"Dear Ms. Corr,

"It is good of you to write me on this matter, since I have no personal stake in it at all. I'm not concerned with what disposition is made in terms of the interests of the defendants or the City and don't know enough to have an opinion on the matter. I quite agree that the University has no legal standing to force anyone to do anything and no obligation to take a position on anything that's going on. The question I raised with Dick Nussbaum is not a legal question at all. It is, rather, the policy question whether Notre Dame is better served by declaring that it has no further interest in the matter, which so far as appears is its present stance and which, with all respect, I think is not unfairly characterized as "washing its hands" of the matter, or by telling the prosecutor that, so far as Notre Dame is concerned, the cases can be dropped.

"I do not speak to whether any or all of the defendants deserve to be so treated. The prosecutor might well decide that some or all do not. I speak only of Notre Dame's interests. Rightly or wrongly, the Obama affair has damaged severely the University's standing with the pro-life community. One needs only to read their internet communications and publications to be sensible of this unhappy fact. Indeed, Rasmussen found that 60% of all Catholics thought Notre Dame acted improperly, so the affair can scarcely be taken anything but a public relations loss of considerable proportions.



*Alumni Protecting Notre Dame's Catholic Identity*

“Now there is an opportunity to make up some ground by evidencing compassion to dedicated pro-life advocates -- and even to some who may have been, and may now be, interested in self-promotion most of all -- rather than seeming to be indifferent at best and vindictive at worst. There is, I think, no middle ground in terms of public impression. No one will believe, nor should they, that it is beyond Notre Dame's power simply to let the prosecutor know that Notre Dame has no wish to have these proceedings continue while acknowledging that the decision is entirely his. More, as matters play out -- particularly if there is evidence of selective enforcement -- and publicity mounts, it will likely become impossible to reverse course, since it will then seem self-serving.

“I believe that what I say would command very considerable support among alumni and others concerned about the University, but I am sure I say nothing new and accordingly I do not expect the University will change course. As I said to Dick, I would rather report in a newsletter that it had; but in any case if we do cover the matter we will do it as accurately as we can and I would be happy to have anything from the University it might wish us to print.”

My further point is this: Neither Ms. Corr nor any other spokesperson for the University has explained why the University refuses to tell the prosecutor that it is willing for the prosecutions to be dropped. To assert that the University has no legal standing to control the litigation has nothing to do with it. In the absence of any explanation by the University, the inference most will draw is that there is none that would bear examination. I do hope that upon reconsideration you will conclude that there is much to be gained, and nothing to be lost, by changing course.

Respectfully yours,

A handwritten signature in black ink that reads "William H. Dempsey".

William H. Dempsey  
President  
Sycamore Trust