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**From:** William Dempsey [whdempsey@earthlink.net]  
**Sent:** Tuesday, August 05, 2008 1:56 PM  
**To:** mcdonald.46@n.edu  
**Cc:** Burish Dr. Thomas G.; Brown Dennis

Dear Father McDonald:

I write as President of The Sycamore Trust with respect to the criteria the University employs in filling positions on the Board of Trustees, since this question bears importantly on our central concern, the Catholic identity of the University.

I am inquiring in particular about the relevance the University attaches to the activities of organizations in which a prospective trustee is a principal executive; and I am prompted to write because in a letter of December 12, 2006, responding to a query from Mr. William Sigler, you seemed to say that the University is indifferent to the fact that such an organization purveys pornography.

You may recall that the question Mr. Sigler raised had to do with the fact that a corporation, Marriott International, of which a Notre Dame trustee, Mr. William Shaw, is Chief Operating Officer, "actively promotes the sale of pornographic video materials in its hotels." In the supporting documents provided by Mr. Sigler, a corporate officer is quoted as offering this defense: "In-room movies are a revenue stream. This is a business matter." This promotion of pornography by Marriott and its criticism by Christian organizations has been widely publicized, as an internet search will disclose to anyone who has missed the press reports.

In response, you stated in pertinent part:

"While we expect our trustees to always be in compliance with the law and to live personal lives consistent with the character and values of the University, we cannot undertake investigation of the business practices of companies with which they may be associated."

Accordingly, you referred Mr. Sigler to the Marriott Corporation, expressing confidence that it would give his concerns "appropriate consideration."

Since the preservation of the Catholic character of the University is ultimately in the hands of the Board and the Fellows, I must say, with all respect, that the notion that the University pays no attention to the morality of the policies and practices of the company of a prospective board member strikes me as simply bizarre.

More, such a policy seems to collide with the way the University handles its money. Thus, in an article in the "Notre Dame Magazine"

Winter 2007-08 issue entitled "Malpass & Co. Take High Road to Bottom Line," the author reports that Notre Dame invests "in line with the University's Catholic character" and guidelines set by the United States Conference of Catholic Bishops, and that accordingly it does not invest in companies whose activities "support abortion, contraception, embryonic stem-cell research, PORNOGRAPHY, or arms manufacturing" [emphasis supplied].

With Mr. Sigler, I do not raise any question as to Mr. Shaw personally, nor am I concerned with the business practices of Marriott. I accept all of the praise you accord Mr. Shaw in your letter, and I do not suggest that he leave the Board, much less that he be asked to leave. Our interest is not in particular individuals, but rather in the standards that the University employs in appointing members of the Board. As Pope John Paul II said in *Ex Corde Ecclesiae*, "The responsibility for maintaining and strengthening the Catholic identity of the University . . . is entrusted principally to university authorities including . . . a Board of Trustees or equivalent body."

I should note that this is the third time that questions of this sort have come to our attention recently and the second inquiry we have made. I describe the first two in my e-mail message of June 16, 2008, to Dennis Brown, with a copy to Provost Burish, that I reproduce below. We have received no response, and given the lapse of time I do not

expect that we will. Our purpose in inviting Mr. Brown's comments, and mine in inviting yours, is to insure that the information we provide is accurate and that we have accorded the University the opportunity to comment.

In concluding my inquiry to Mr. Brown, I asked that, if he did not intend to respond substantively, he let me know as soon as might be convenient. Give the lapse of time with no response, permit me to reverse that request and ask that, if you do intend to respond substantively, you let me know as soon as may be convenient that you so intend. We would be pleased to wait for a time for a further response.

Sincerely,

William H. Dempsey  
President, The Sycamore Trust  
Virginia: 3311 No. Glebe Rd.  
Arlington, MN 22207  
Massachusetts: Box 2134  
Wellfleet, MA 02667

(Text of message of June 16, 2008, to Dennis Brown)

Dear Mr. Brown:

As I have said in the course of our prior exchanges, we at the Sycamore Trust are dedicated to insuring the accuracy and completeness of the information we send to our mailing list, which now numbers some 6,000 and continues to grow. Accordingly, I invite any comments you might have as to two matters that have come to our attention that appear to bear upon the University's Catholic identity.

The first is the award of an honorary degree to, and the presence on the Board of, Dr. Marye Anne Fox, a prominent advocate of embryonic stem cell research and of Proposition 71, the California measure providing substantial public funding for such research that was strongly opposed by the Catholic bishops. In reporting this award, the Cardinal Newman Society stated: "Marye Anne Fox, chancellor of the University of California, San Diego (UCSD) . . . is an architect and leader of one of the nation's foremost initiatives in embryonic stem cell research, the San Diego Consortium for Regenerative Medicine, which will open its \$115 million facility at UCSD by 2010. UCSD research is partly funded by California's \$3 billion grant program for embryonic stem cell research, independent of ethical restrictions that President George W. Bush has tied to federal funding."

Next, the National Catholic Register has taken note of the presence on the Board of Trustees of a prominent public advocate of The Vagina Monologues, Ms. Cathleen Black: "Cathleen Black, president of Hearst Publishing, was listed on a V-Day poster in 2003 as a 'V-Counsel,' along with other prominent supporters of the play like Jane Fonda. Hearst Publishing has also served as a V-Day sponsor. 'It was just literally a life-changing experience,' Black said about the play's impact in a CNN interview in 2001. 'She [Enslers] has kind of taken it all out of the closet and kind of put it right on in front of people so that you can say the word v-----.'"

In addition, Ms. Black is reported to have helped launch Ms. Magazine in the early 1970's and to have been its associate editor when the publication was an early and ardent pro-abortion advocate.

Dr. Fox and Ms. Black are, of course, entitled to say and do as they choose and freely to accept honors and positions proffered by the University. Our interest is in the relationship between Catholic identity and the standards applied in the conferring of honors and the selection of Board members. It is that question as to which we would welcome the University's comments. We will be happy to pause to await a response, but if none is to be forthcoming I would be grateful to know as soon as may be convenient.

Very truly yours,

Bill Dempsey