



November 21, 2019

Chief Keri Kei Shibata
Notre Dame Police Department
Office of the Chief
204 Hammes Mowbray Hall
Notre Dame, IN 46556

Dear Chief Shibata:

On behalf of the officers and board of Sycamore Trust, I request that you investigate actions by Notre Dame students that appear plainly to violate the Indiana “intimidation statute” (Section 35-45-2-1 of Title 35 of the Indiana Code of Criminal Law and Procedure) and report the results of your investigation to Kenneth Cotter, the St. Joseph County Prosecutor.

That statute makes it a misdemeanor to “communicate a threat,” defined as an “expression, by words or action,” including a message ... on a social networking web site,” with “an intention to expose the person threatened to hatred, contempt, disgrace, or ridicule.”

The acts in question are the submission for publication of a letter that appeared last September 30 in The Observer (<http://tinyurl.com/y2pcg9gl>), and the creation and online posting of a video linked to the letter. The video (<https://vimeo.com/363183968>) is still up and made available to all on campus by the University as the Internet service provider. But should the filing of this complaint result in the video’s being taken down, it is preserved in a Sycamore Trust bulletin here: <http://tinyurl.com/yhwdf7je/>

As you will see, while the letter and the video are public, the identity of the students who are responsible is not, except for the single signatory of the letter. Three others appear on the video.

The letter is titled “There’s Queer Blood on Homophobic Hands” after the inscription in red paint, simulating blood, blazoned across a large poster in the video. The “homophobic hands” accused of causing the deaths of homosexuals and transsexuals are those of three student organizations and Sycamore Trust.

There can be no question that the students responsible for these vile and defamatory accusations did so, in the words of the statute, with “an intention to expose” Sycamore Trust and the student organizations and their members “to hatred, contempt, disgrace, or ridicule.” (I might add that, during my appearance on the Laura Ingraham program, Ms. Ingraham, a former law clerk to Justice Clarence Thomas of the Supreme Court, displayed the statute and declared to her nationwide audience that it applied.)

Moreover, while risk of physical harm is not required under the statute, it is present here. The language is incendiary and throbs with violence. The “murdered trans-angels” are said to “leak brimstone down the praying mouths” of Sycamore Trust, the Irish Rover, Students for Child

Oriented Policy, and Young Americans for Freedom. And in the video a student repeatedly hammers with a crowbar the poster showing pages of the Rover and the Observer with the names of authors circled in red.

The prominent author and commentator Rod Dreher declared, “If I had been targeted with such malicious invective I would be worried.” As the Irish Rover recently reported, the students were, and with the video still up, presumably still are.

This incident prompted student leaders from more than five different student groups to write to Notre Dame’s President Fr. John Jenkins, CSC, saying in part, “There is a palpably violent spirit to these signs. It feels, in a very real way, that someone has a target on the back of these members of our community, and on the publications their articles are featured in.” Worried for their safety, the safety of others, and the health of student life on campus, these students called on the University’s president to “offer a public reproof of the threatening sign placed on campus” and “affirm that our community will remain one of openness, civility, and love.” <http://tinyurl.com/wyqgxml>

Indeed, we file this complaint only because Father Jenkins has remained silent in the face of this reprehensible and provocative behavior despite requests by the targeted students and their organizations, by us, and by scores of other alumni to denounce it, to warn that future transgressions will be dealt with severely, and to put an end to the video.

We have said this to Father Jenkins. In the hope that he would make action by us unnecessary, in our last letter to him we invited him to discuss the situation with us because we had concluded that, as matters stood, we should file this commplaint. “We have been unsuccessful,” we wrote, “ in urging you to declare this sort of behavior unacceptable, to warn against its repetition, and to require the student sponsors of the video to take it down immediately.” This, we stressed, has nothing to do with internal disciplinary proceedings, except that if any sanction had been imposed, “it plainly came up short, since the students have not been required to take down the video.”

If you have any questions, my contact information is below. I look forward to hearing from you.

cc: Rev. John I. Jenkins, C.S.C.

Very truly,

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