



Written by [Jack Kenny](#) on September 28, 2009

Backlash Continues Over Notre Dame Award to Obama

The controversy over the honorary degree the University of Notre Dame awarded President Barack Obama last spring is not over. A total of 88 pro-life demonstrators who were arrested for entering the South Bend, Indiana, campus to protest the award given at the May 17 commencement still face trial on criminal trespass charges.



A [petition](#) calling on the university to withdraw its complaints against them is circulating online; the president of a pro-life, public-interest law firm has launched a [“Free the Notre Dame 88” website](#); and a prominent member of the University’s law school faculty has published a strongly worded open letter to Father John Jenkins, CSC, accusing the University president of a “despicable disgrace” and of being “the jailer” of “authentic pro-life witnesses” on the campus.

Calling Obama “the most relentlessly pro-abortion public official in the world,” Charles E. Rice, professor emeritus at the law school, argued in [his letter](#) of September 24 that the protestors had come on campus to peacefully and prayerfully protest the awarding of an honorary degree to Obama, who delivered the commencement address. Rice, whose latest book is *What Happened to Notre Dame?* said the pro-life demonstrators were on the far side of the campus from the commencement site.

“This is not an ordinary case of trespass to land such as would occur if a commuter walks across your lawn and flower bed as a short-cut to the train station. Notre Dame is ordinarily an open campus,” wrote Rice who has taught law at the University since 1969. The 88 were arrested “not because they were there, but because of who they were, why they were there and what they were saying,” he wrote. “Other persons with pro-Obama signs were there but were not arrested and not disturbed. Serious legal and constitutional questions are involved, arising especially from the symbiotic relationship between the Notre Dame security Police who made the arrests, and the county police.” Rice also took exception to the University president’s announcement that he would attend next January’s March for Life in Washington, D.C., at the invitation of Notre Dame Right to Life. The University has never had an official presence at the annual event, Rice said.

“To put it candidly,” he wrote, “it would be a mockery for you to present yourself now at the March, even at the invitation of Notre Dame students, as a pro-life advocate while, in practical effect, you continue to be the jailer, as common criminals, of those persons who were authentic pro-life witnesses at Notre Dame.”

Controversy both on the campus and around the country followed Notre Dame’s announcement in March that President Obama, a champion of abortion “rights,” had accepted the University’s invitation



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to deliver the commencement address and that he would receive an honorary doctor of laws degree. Pro-life students on campus formed an ad hoc group called Notre Dame Responds, and alumni and others who added their names to print and online petitions protesting the choice were said to number in the tens of thousands. In the days leading up to the commencement, protesters came to South Bend from several states, some from as far as Massachusetts, Florida and New Mexico. Those arrested included former Deputy Ambassador to the United Nations and frequent presidential candidate Alan Keyes and Norma McCorvey, the plaintiff “Jane Roe” in the Supreme Court’s *Roe v. Wade* decision overturning state laws prohibiting abortion. McCorvey later became an active convert to the pro-life cause. But Rice, in his letter to Father Jenkins, drew special attention to the treatment of an elderly Catholic priest.

“Fr. Norman Weslin, O.S., 79 years old and in very poor health, was handcuffed by Notre Dame Security Police as he sang ‘Immaculate Mary’ on the campus sidewalk near the entrance,” Rice wrote. “The NDSP officers put him on a pallet and dragged him away to jail.... Notre Dame’s treatment of Fr. Weslin is a despicable disgrace, the responsibility for which falls directly and personally on yourself as the President of Notre Dame.”

Roughly a third of the nation’s 210 bishops issued statements last spring sharply critical of the University’s decision. “It is clear that Notre Dame didn’t understand what it means to be Catholic when they issued this invitation,” Cardinal Francis George, archbishop of Chicago and president of the U.S. Conference of Catholic Bishops said at the time. Bishop John D’Arcy of Diocese of Fort Wayne-South Bend was also sharply critical of the award and for the first time since he became bishop did not attend the commencement at the South Bend campus. In the August 31 issue of the Jesuit weekly, *America*, the bishop continued to take Father Jenkins to task, both for the honor bestowed on Obama and the University’s “sponsorship over several years of a sad and immoral play” called *The Vagina Monologues*.

“Although he spoke eloquently about the importance of dialogue with the president of the United States, the president of Notre Dame chose not to dialogue with his bishop on these two matters,” D’Arcy wrote.

An organization called Traditional Family Property Student Action began an online petition on September 19, calling on Notre Dame to move to drop the charges against the accused trespassers, who could each be sentenced to up to one year in jail and a \$5,000 fine, said Thomas Brejcha, president of the Thomas More Society Pro-Life Law Center. Brejcha, whose organization is assisting in the legal defense of the protesters, has gone online with the “Free the Notre Dame 88” website to bring public pressure to bear on the University. Notre Dame “should honor all who dare to speak out for the dignity of all human beings,” he said.

Responding to a letter from Notre Dame professor Fred Fredosso, Dr. Frances L. Shaver, chief of staff to President Jenkins, wrote that the prosecutor, “in consultation with the University,” has offered Pre-Trial Diversion to those who were first-time offenders. “As described by the prosecutor, this program does not require the individual to plead guilty or go through trial; rather the charges are dropped after one year so long as the individual does not commit another criminal offense,” wrote Shavers. “We understand that most of those arrested have chosen not to take advantage of this offer and obviously we cannot force them to do so. In essence the choice of whether or not to go to trial belongs to the defendants.”

But Rice argued the defendants would each be required by the court to pay hundreds of dollars to enter the diversionary program, a cost that would be “in effect a fine imposed on them, with the concurrence



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of Notre Dame for praying.” Notre Dame should instead publicly request the prosecutor to drop all charges unconditionally, he said. “Given the prospect of 88 or so separate jury trials, probably not consolidated, involving legal and constitutional issues, such a request by Notre Dame would surely be appreciated by the taxpayers of St. Joseph County.”



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