



**Memorandum to the Fellows of the University of Notre Dame
From Sycamore Trust
August 10, 2009**

We write as officers and directors of Sycamore Trust to summarize the principal findings of our several years' study of issues relating to the Catholic identity of Notre Dame and to urge that the Fellows take the action these findings show to be necessary.

Sycamore Trust ("Sycamore") was established in 2005 by Notre Dame alumni concerned about the weakening of the Catholic identity of the University. It has some 10,000 subscribers and looks forward to continued expansion as it extends its reach to alumni and other members of the Notre Dame family. We urge you to examine Sycamore's web site, <http://sycamoretrust.org>, to judge for yourselves the scope and integrity of this project.

We open with our conclusions:

- The University's constitutive documents require that it be Catholic.
- Accordingly, it is the fiduciary duty of the Fellows and the Board to insure that the University remains Catholic.
- **Catholic representation on the faculty has fallen well below the standard prescribed by the Mission Statement as essential to the University's Catholic identity.**
- **It is, therefore, the Fellows' and the Board's fiduciary obligation to take whatever steps are necessary to restore Catholic faculty representation to the level required by the Mission Statement.**
- Since the honoring of President Obama has called the Catholic identity of the University into question for countless alumni, family, supporters, and members of the general Catholic community, prompt and open action by the Fellows and the Board is especially urgent.

We discuss these and many related questions on our website in considerable detail, and we intend to publish a comprehensive analysis for general distribution in coming months. Here, we summarize the principal considerations. The sources for the facts we cite are provided on the website. If you have question as to any of our representations, we will be happy to direct you to the pertinent sources.

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1. *The Fiduciary Duties of the Fellows and Board members respecting Catholic identity and faculty composition.*

No one would dispute that a fundamental obligation of those charged with governance of Notre Dame is to insure that it is Catholic. The University's Statutes declare: "The essential character of the University as a Catholic institution of higher learning shall at all times be maintained."

The further question is what elements comprise this "essential character." The answer is provided by the Mission Statement.

First, the Statement declares that, "as a Catholic university," Notre Dame is to be a place where "through free inquiry and open discussion the various lines of Catholic thought may intersect with all the forms of knowledge found in the arts, sciences, professions, and every other area." Next, and for present purposes most importantly, the Mission Statement specifies that this goal is to be achieved through a faculty in which Catholics are sufficiently numerous to predominate:

"The Catholic identity of the University depends upon, and is nurtured by, the continuing presence of a predominant number of Catholic intellectuals."

This standard parallels the criterion set forth by Pope Paul II in *Ex Corde Ecclesiae*, and surely it is the common sense of the matter. A university whose faculty is dominated by non-Catholics or a combination of non-Catholics and dissident and merely nominal Catholics may be highly regarded, but it cannot be Catholic except in a very attenuated sense of the term – certainly not in the sense reflecting Notre Dame's historic title and its present claim.

2. *The faculty no longer meets the Mission Statement standard.*

We need not linger over the phrase "predominant number of Catholic intellectuals," for **it has consistently been given its obvious meaning: a majority, at least, of committed Catholics.** Both Father Jenkins and Provost Burish have declared the goal to be a preponderant number of Catholics and have described those Catholics in terms of their practice and perspective. No one would contend that a majority of dissident and merely cultural Catholics would meet the test.

It is not for us to debate the merits of this criterion, but neither is it irrelevant for us to note its surpassing value. While an arithmetical standard is a blunt tool, it acknowledges the fact that "numbers count," as Father Malloy has said. The popular alternatives such as "critical number" are almost entirely subjective. As a practical matter, they mean whatever the administration says they mean.

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Moreover, the Mission Statement standard is by no means exclusively mathematical. The terms “predominant” and “Catholic” impart vital qualitative elements. As we have noted, dissident and nominal “check-the-box” Catholics, who arguably ought to be deducted, at least cannot count. In addition, depending on factors such as seniority, reputation, and position, the percentage of Catholics over a bare minimum that may be necessary to dominate on such issues as hiring and curriculum will vary.

But there is no occasion now to explore these margins, for **it is inarguable that the Notre Dame faculty falls well short of the prescribed standard. Catholic representation has plummeted from 85% in the 1970's to 53% today; and when even a very conservative adjustment is made to account for nominal and dissenting Catholics, meaningful Catholic representation drops far below 50%.**

There is no reasonably precise way to tell how far, but surely it is far enough so that fine calibration is pointless. We may add, nevertheless, that based on our investigations and what has been written and said in panel discussions by long-time Notre Dame professors, we are confident that informed observers would not put the figure above 40%, and that a better estimate would be not more than one-third.

3. Evidence confirming the loss of Catholic faculty predominance is compelling.

What the numbers say about the faculty is confirmed by what the faculty has done. The effect of the loss of Catholic faculty predominance has been most dramatically disclosed in faculty hiring, the function of greatest importance to the maintenance of Catholic identity. A principal reason for the precipitous decline in Catholic faculty representation is that most of the faculty think an applicant's Catholicism should play little if any role in hiring.

Thus, the Faculty Senate in 2008, after a canvass of the faculty, declared: “The University should not compromise its academic aspirations in its efforts to maintain its Catholic identity.” Surely, if the faculty were dominated by Catholics dedicated to the Catholic mission of the University, the terms would be reversed – “The University should not compromise its Catholic identity in its efforts to realize its academic aspirations.”

And again, in a 2003 survey of the Notre Dame faculty by Baylor University scholars, **a majority of the faculty said not only that academic credentials such as “reputation” should always trump Catholicism in hiring, but that there should not even be a delay in filling a position in order to search for qualified Catholics.**

While we need not carry this point further, we would mislead if we did not add that these indications of the weakness of the Catholic faculty presence substantially understate the problem. Our investigation, confirmed by written commentaries and

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presentations of long-time faculty members in Alumni Weekend panel discussions over the past four years, discloses **that being unashamedly and publicly Catholic is often a handicap for an applicant.**

Finally, the weakening of the Catholic character of the faculty is evidenced in a variety of other ways that are significant because, in contrast to hiring, they have alerted alumni and others outside the University that it may no longer be as Catholic as they had thought. The most prominent episodes have been the successful faculty drive to avert the banning by Father Jenkins of *The Vagina Monologues* and the enthusiastic faculty applause for the honoring of President Obama. Other eye-catching events have included the faculty support for *The Queer Film Festival*; the promotion by prominent women faculty of a battery of pro-abortion organizations and of the hiring of more lesbians and homosexuals; and the promotion by a special faculty committee of a student-composed play so incompatible with Church teaching that Father Jenkins declined to sponsor it.

4. Impact on curriculum and students.

The loss of Catholic faculty predominance predictably affects the curriculum and thereby compounds the problem. At Notre Dame, **only three hours dedicated to the fundamentals of Catholic theology are required over four years.** The single additional three-hour requirement, meager in any case, can be met by courses in world religions or peace or hunger and the like. And while the Theology Department has been substantially strengthened under the leadership of Dr. John Cavadini, its Catholic identity is scarcely solid. A professor of moral theology, for example, has dissented in print from Church teaching on abortion, while a professor of biblical studies discards scriptural passages on homosexuality as homophobic, a quality she finds also in the Notre Dame Administration.

In a second key department, Philosophy, there are, we understand, only three Catholics under the age of 50 on the faculty, and the required six hours may well be taught by someone whose philosophical perspective is alien to the Catholic intellectual tradition. For example, until last year when he left Notre Dame -- despite the protestations of the University, he claimed -- a self-proclaimed atheist taught one of the required courses. He said that, while he did not press his views in class, he did engage with students outside of class. And all of them, of course, knew that when he discussed St. Thomas's proofs for the existence of God -- part of his syllabus -- he didn't believe a word of it.

But one need not trouble with details of this sort to know that, as any standard distribution calculation will show, **most of the student body will receive only minimal exposure to Catholic thought with a faculty in which committed Catholics are in the minority and with so anemic a curriculum.** The students themselves sense the loss. In an *Observer* poll, a majority called for more Catholic professors.

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To the extent the impact of this shrinking of Catholic faculty and weakening of curriculum has been measured, the results confirm the predictable. While Notre Dame evidently has not attempted to measure what students actually learn in the way other enterprises regularly evaluate their effectiveness, the data that are available are dispiriting.

Thus, a 2004 report of a four-year study of Notre Dame students by the Higher Education Research Institute (HERI) of UCLA disclosed, in addition to a marked shift to the left politically, **an alarming decline in agreement with central Church teachings.** Specifically, for example, after four years the percentage of pro-choice students rose from 31% to 42%, and approval of pre-marital sex went up from 31% to 36%. These results paralleled those of an earlier HERI study of a number of Catholic schools including Notre Dame, but our request for the data specific to Notre Dame went unanswered. Both studies contain a good deal of data that would be of interest to alumni, parents, and supporters were they disclosed.

Notre Dame does conduct periodic studies of student "spirituality," the results of which are occasionally revealed. They are disheartening. To the extent that students report an increase in "spirituality" the results are, to be sure, essentially meaningless, not only because of the vagueness of the term but also, and especially, because of its common usage. "I'm not religious but I am spiritual." But when the results are negative, as they were in the only detailed report we have discovered, that of 2005, there is cause for concern. One does not hear "I am religious but I'm not spiritual."

Specifically, in 2005 almost half the students reported no change in their spirituality over four years, and of the remaining students more than twice as many reported a decline as reported an increase. Thus, 29% reported a "slight downward" change and 8% reported a "much downward" change, whereas only 1% reported a "slight upward" change. The 2003 results reportedly were essentially the same.

5. Other indicia of Catholic identity.

We do not pause long over the litany of signs of Catholicism among students that are regularly measured and reported, e.g., social service activities, liturgies, prayer groups, retreats, and the like, nor over the equally widely publicized specialized academic institutes, centers, and programs. **All are eminently worthy – for example the ACE program, the Center for Ethics and Culture, and many of the Campus Ministry activities -- but all are ancillary to what goes on at the heart of the school: the classroom. Notre Dame is a university, not a social service organization or a liturgical center or a collection of institutes.**

The central lessons of the illuminating studies of the secularization of religious

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schools are clear and constant: secularization begins and ends with the faculty; that process is gradual and imperceptible to those outside the university; and the student body retains its religious character even as the faculty is losing its anchor in the founding religion. (At Notre Dame, as you know, the student body has been about 85% Catholic for many years, reportedly due to a fixed admissions goal). In consequence, the outward manifestations of religious life continue apace supported by the student body and a still adequate, if diminishing, element of the faculty. **But in the end the secularization of the faculty results in the collapse of the religious culture. It is simply a matter of time.**

(Among the studies, two of the best are by persons associated with Notre Dame: *The Soul of an American University*, by George Marsden, and *The Dying of the Light*, by James T. Burtchaell, C.S.C. A third very helpful work is *Catholic Higher Education*, by John. J. Piderit, S.J., and Melanie Morey. A number of others are listed on our web site.)

Thus, in considering the claims the University makes about its Catholic identity, one should bear always in mind that **the only standard identified by the Mission Statement as a measure of Catholic identity is faculty composition. Given the deterioration of Catholic faculty representation at Notre Dame, it is both unsurprising and telling that the University's institutional literature regularly buries the faculty composition issue under a cascade of citations of other signs of Catholicism.** We trust that presentations to the Fellows and Trustees are not so out of focus.

6. Notre Dame's Reputation as a Catholic University.

The studies to which we have referred teach another pertinent lesson: It is often the case that alumni and others outside the university are suddenly made aware that something has happened to the character of the school by public reports of some jarring event.

There have been a series of such events at Notre Dame in recent years: the initial approval by Father Malloy of the on-campus performance of *The Vagina Monologues*; the reaffirmation of that decision by Father Jenkins after his initial biting criticism of the play; the *Queer Film Festival* and its more euphoniously named yearly successors; Bishop D'Arcy's denunciation of these events; the action of 50 bishops in moving their conference off campus because of *The Vagina Monologues*; and finally, and most explosively, the honoring of President Obama and its triggering a further and yet more serious rupture with Bishop D'Arcy and an unprecedented chorus of criticism from another 82 cardinals, archbishops, and bishops.

To take this most recent example, these were the results of a Rasmussen poll: **“By a 60% to 25% margin, U.S. Catholics say the university should not award an honorary degree to the president.** Sixty-six percent (66%) of Evangelical Christians

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share that view along with 52% of other Protestants.” And even with a plurality of persons without religious affiliation supporting Notre Dame, a 52% majority of all Americans thought Notre Dame in the wrong.

It is no surprise, then, that some 360,000 Catholics joined a Cardinal Newman Society protest nor that close to 7,000 joined our much more targeted petition. What is notable is the intense anger and shock and dismay reflected in the tsunami of messages that were posted on our Internet petition or sent to us, many of the latter copies of letters to Father Jenkins and others associated with the University.

It is not our purpose here to review any of these episodes on the merits. You will find our critical analyses on our website should you be interested. To be sure, no matter what view one takes of the merits, one may wonder whether the visitation by President Obama, for example, was worth the cost. But we cite these events here, not to replay them, but rather to underscore the importance of prompt, decisive, and visible action by the Fellows designed to restore Notre Dame’s reputation as a robustly Catholic institution with a mutually respectful and productive relationship with the institutional Church. That reputation has been purchased through an incalculable investment of prayer and dedication and sacrifice. It is Notre Dame’s principal asset. It is a magnet for Catholic scholars as well as non-Catholics with their own faith commitment and for students from devoted Catholic families. The future of a Notre Dame thought to be but weakly Catholic is dim, for what scholar able to teach at a Harvard or Yale or Stanford would then prefer to teach at Notre Dame? And why, then, should a Catholic family prefer it?

7. Conclusion and Recommendations.

The obvious and appropriate response to the pro-life criticism of Notre Dame would be the launching of a major pro-life effort. The instrumentality is ready at hand in the Notre Dame Fund for the Protection of Human Life, an organization that is respected and trusted by pro-life alumni and groups and that has the potential to become the country’s most important pro-life intellectual center.

There is much ground to be made up. The Fund has received no financial support from the University, nor did the student Right to Life organization receive any financial support last year; and we have been unable to discover anything that could be characterized as strong pro-life efforts on the part of the University outside of the Center for Ethics and Culture, the Fund, and the student RTL group. Just before the news respecting President Obama broke, we requested the University’s public affairs office to describe all University-sponsored pro-life activities so that we could recount them in a news bulletin. We received only a list of a handful of speeches, most by ND Fund for Life board members. Surely there must be more to report, but just as surely pro-life activities have not occupied a significant place in the University’s agenda.

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But while taking up the pro-life cause is a step Notre Dame surely should take – the University’s passivity has been another mark of the waning of its Catholic character – such an initiative would leave untouched the fundamental infirmity besetting the university: the loss of Catholic faculty predominance. It is this destructive shortcoming that the Fellows and the Board must remedy.

We say “must” advisedly. **With respect but without doubt, we stress that this is not a matter of discretion but rather a matter of fiduciary obligation. There is no countervailing prescription in the constitutive documents. The overarching requirement is that Notre Dame be Catholic, not that it rank in the top tier of the U.S. News & World Report annual rankings or that it be invited to become a member of the select group of research universities in the AAU or that it reflect a specified degree of faculty diversity.**

To say that the Fellows are obliged to act so as to insure that the Mission Statement requirement is met is not to say, of course, what action they should take. We recognize that in that respect the Fellows and Board have wide discretion. But at least two steps are, we think, essential to the discharge of the obligation:

First, the Fellows should declare as a matter of policy that in all matters, and in particular in the hiring of faculty, the preservation and strengthening of Catholic identity is of first importance. This would put on record for all to see the commitment of the Fellows. And it is necessary because, as matters stand, Father Jenkins has identified four hiring goals without assigning any of them priority: academic standing, women faculty, diversity, and Catholic identity. Most of the faculty favor the first three and not the fourth, Catholic identity. But it is Catholic identity that is the core value, and it will be irretrievably lost unless there is an early and major turnabout in hiring. The worthy goals of enhancing still further the school’s academic standing and of increasing faculty diversity in all respects can be subordinated for a time without being forever abandoned.

Second, the Fellows should declare as a matter of policy that the annual goal for hiring Catholics should be established based on projections designed to increase Catholic representation to a level necessary to insure the predominance of committed Catholics. This policy should be adopted in any case, but it is essential here because Father Robert Sullivan, chair of the Provost’s ad hoc committee on the hiring of Catholic faculty and now Assistant Provost, has declared that the goal is simply to hire a majority of Catholics each year. Since the great majority of retirees are Catholic, common sense alone is sufficient to know that hiring at a rate just over 50% would insure the continued constriction of Catholic representation.

But of course on a matter of this consequence goals should be set on the basis of reliable projections, not guesswork. Our projections indicate that a rate of 60-65% is

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necessary simply to maintain the present unsatisfactory status quo. We invite you to examine our methodology, which is described in detail on our website. We submitted it to the University, saying that we did not want to publish questionable analyses and offering to confer with those at the University responsible for the University's projections. We assumed that such projections had been made. We received no reply, and from an account in *The Irish Rover* reporting that two Administration officials seemed to agree with our projections, we inferred that after all the University had made no projections of its own.

We hope our inference was incorrect, and that, if it was correct at the time, projections have since been made. But if the projections have not been made, then certainly the Fellows should direct that they be made. Indeed, with so much at stake, we suggest it would be prudent to consider calling into service an independent organization to collaborate in the study.

We recognize and applaud the attention Father Jenkins has paid to the faculty issue. Particularly in his impressive inaugural address to the faculty, he has spoken plainly of the urgent need for hiring more Catholics. Moreover, in the few instances when he has been free to make appointments outside departmental procedures, they appear to have been excellent. The Provost's ad hoc committee has done valuable work, and a number of its recommendations have been adopted. Some incentives have been offered for the hiring of Catholics, and Father Sullivan has been elevated in position. Finally, the hiring rate was relatively high in the last year for which we have data

But there have been breaks in the downward trajectory before. Short-term percentage shifts are not significant because of such circumstances as the relatively small number of new hires each year, the distribution among departments, and fluctuations in retirement.

Long-term prospects remain dark. Father Jenkins faces a deeply resistant faculty, and his Administration has embraced a fatally deficient hiring goal to which the faculty is virtually certain to repair. That is especially so because, as we have pointed out, Father Jenkins has placed such stress upon hiring for academic prestige, for diversity, and to increase the representation of women. Indeed, recently he has particularly emphasized the importance of hiring more women by creating a high administration post dedicated to that goal.

But even were this not the case, the faculty hiring issue is of such fundamental importance that the Fellows and the Board should address it forthrightly. The future of the university is, quite literally, at stake. The policy question is whether Notre Dame is to strive first of all to be Catholic, with an academic reputation as strong as may be consistent with that goal, or whether instead it is to strive to be first of all high-ranking academically, with a Catholic character as strong as may be consistent with that goal.

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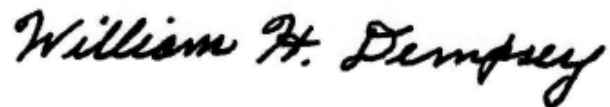
History teaches that the latter choice leads finally to the loss of meaningful religious identity. It has by now also taught at Notre Dame that those goals can be juggled only for a time. At some point, Catholic identity must be given priority or it will be lost. Clearly, that point has been reached. The question is whether it is too late. We think not, provided there is decisive leadership willing to face strong faculty resistance.

We acknowledge we could be wrong. It may in fact be too late. But we urge that the chance to nurture one major university as a worldwide center of Catholic thought is so important that those in governance ought not let it slip away by gambling that occasional exhortations and modest measures will turn an entrenched faculty from its chosen path.

We recognize that we have said things it may be hard for some to accept. Investments have been made. But neither the facts nor the situation admit of temporizing. By chance, the passage from the Holy Cross Constitution that Father Jenkins chose to head his contribution to the collection of reflections by members of the Order is especially apt:

“For the Kingdom to come in this world, disciples must have the competence to see and the courage to act.”

Very truly yours,



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