

Invitation and Reaction

“What the hell happened?”

STEVE MCQUEEN, as Jake Holman, the bad-luck sailor in *The Sand Pebbles*, a tale of a United States Navy gunboat on the Yangtze River in 1926, shouted those final words into the night as he lay, alone and wounded in the mission courtyard, waiting for the advancing Chinese rebels to find and kill him.

Something like Jake Holman’s question must have occurred to many friends of the University of Notre Dame when they heard that President Barack Obama would be the principal speaker, and receive an honorary doctor of laws degree, at the 2009 Commencement. The announcement triggered protests from Notre Dame alumni (including subway alumni) and students as well as others. A prominent Cleveland alumnus, echoing Jake Holman, expressed a not uncommon view on Notre Dame’s administrators, “Who the hell are these guys?” More than 350,000 persons signed an on-line petition by The Cardinal Newman Society asking the Notre Dame President, Rev. John I. Jenkins, C.S.C., to rescind the invitation.

Two cardinals, Cardinal Francis George, President of the U.S. Conference of Catholic Bishops, and Cardinal Daniel DiNardo, of Houston, protested the invitation, as did 83 bishops. Cardinal George described Notre Dame as “the flagship Catholic university” and described its honoring of Obama as an “embarrassment.”¹

Archbishop Raymond L. Burke, Prefect of the Supreme Tribunal of the Apostolic Signatura, the Church’s highest court, denounced the invitation: “Dialogue and respect for differences are not promoted by the compromise and . . . violation of the natural moral law. The . . . granting of an honorary doctorate at Notre Dame . . . to our President who is aggressively advancing an anti-life and anti-family agenda is a source of the gravest scandal.

Catholic institutions cannot offer any platform to, let alone honor, those who teach and act publicly against the moral law. In a culture which embraces an agenda of death, Catholics and Catholic institutions are necessarily counter-cultural. If we . . . are not willing to accept the burdens and the suffering necessarily involved in calling our culture to reform, then we are not worthy of the name ‘Catholic.’”²

Bishop John M. D’Arcy of the Fort Wayne-South Bend diocese, in which Notre Dame is located, refused to attend the Commencement. “My decision,” he said, “is not an attack on anyone, but is in defense of the truth about human life. I have in mind also the statement of the U.S. Catholic Bishops in 2004: ‘The Catholic community and Catholic institutions should not honor those who act in defiance of our fundamental moral principles. They should not be given awards, honors or platforms which would suggest support for their actions.’ . . . [T]he measure of any Catholic institution is not only what it stands for, but also what it will not stand for. . . . Let us ask Our Lady to intercede for the university named in her honor, that it may recommit itself to the primacy of truth over prestige.”³ Notre Dame did not care much what Bishop D’Arcy thought. The first thing he knew of the invitation was when he was told by Fr. Jenkins that Obama had accepted it.

Notre Dame officials presented the invitation as a routine gesture to presidents in their first year in office.⁴ The record does not support that excuse. President Obama is the ninth president to receive an honorary degree from Notre Dame but only the sixth to address the graduates. President Clinton received neither honor. Nor is there an unbroken custom that, if a president is invited, it must be in his first year. President George H.W. Bush spoke at Commencement in 1992, his fourth year in office, and President Eisenhower spoke in his eighth, in 1960.⁵

We will discuss in Chapters 2 and 3 the reasons advanced by Notre Dame’s executives for the invitation. They must have known that the invitation of Obama would dominate and politicize the graduation. They must have known, too, that their conferral of Notre Dame’s highest honors on President Obama would imply a general commendation of the man and his policies. In the conflicts over those policies, they committed, in perception but also in fact, the name and prestige of Notre Dame to the side that is hostile to major imperatives of faith and reason affirmed by the Catholic Church. Let’s look at some issues.

Abortion

President Obama is the most relentlessly pro-abortion public official in the world. When asked by Rev. Rick Warren of Saddleback Church, during the 2008 campaign, “At what point does a baby get human rights?” Obama replied that “answering that question with specificity is above my pay grade.”⁶ But with respect to a child who survives an abortion and is alive outside the womb, Obama, in the Illinois Senate, spoke and voted against the Born-Alive Infants Protection Act. That bill provided that “A live child born as a result of an abortion shall be fully recognized as a human person and accorded immediate protection under the law.”⁷ President Obama supports the Freedom of Choice Act which would establish a “fundamental right” to abortion and would ban practically every federal or state law restricting abortion.⁸ On his fourth day in office, Obama overturned the Mexico City Policy that had forbidden organizations receiving federal funds to perform or promote abortions in other countries.⁹ He has restored to the UN Population Fund (UNFPA) the funding that President Bush had stopped because of the Fund’s support for forced abortions.¹⁰ Obama opposes the Hyde Amendment and similar restrictions that deny public funding for most abortions.¹¹ As President, his appointments of significant federal officials have predominantly included pro-abortion activists and supporters.¹²

Embryonic Stem Cell Research

President George W. Bush, on August 9, 2001, restricted federal funding for research on embryonic stem cell lines created after that date. President Obama revoked that Bush restriction.¹³ The Obama order authorized the Secretary of the Department of Health and Human Services (DHHS) to “support and conduct responsible, scientifically worthy human stem cell research, including human embryonic stem cell research, to the extent permitted by law.” Incidentally, Obama’s Secretary of DHHS, Kathleen Sebelius, a Catholic, had a strongly pro-abortion record as Governor of Kansas, including persistent vetoes of restrictions on late-term abortions.¹⁴

Adult stem cells, derived from bone marrow and other sources, have been used successfully in relieving various injuries and medical conditions. Embryonic stem cells have never successfully treated a human

patient for anything. Research indicates that “embryonic stem cells injected into patients can cause disabling if not deadly tumors.”¹⁵ Federal funding of embryonic stem cell research (ESCR), however, can make it a lucrative, if unfruitful, enterprise.

No moral problems arise in the use, with consent, of adult stem cells. But every embryo is a living human being. To remove the stem cells kills that embryo. It is, in moral terms, a murder. The essential point is that human life begins at conception or fertilization, the joinder of the sperm and the ovum, whether that takes place in the natural way or through artificial means such as *in vitro* fertilization. As noted below, a type of fertilization can also occur in cloning. After fertilization, the one-cell zygote divides and becomes an embryo, then a fetus at eight weeks, then a newborn and so on through high school, etc. At every stage “the human being is to be respected and treated as a person from the moment of conception.”¹⁶

The Draft Guidelines on Human Stem Cell Research were issued by the National Institutes of Health for DHHS on April 20, 2009. The final Guidelines for Research Using Human Stem Cells went into effect on July 7, 2009. They provide that “[H]uman embryonic stem cells” may be used in research using NIH funds, if the cells were “derived from human embryos . . . that were created using *in vitro* fertilization for reproductive purposes and were no longer needed for this purpose [and] were donated by individuals [‘donors’] who sought reproductive treatment and who gave voluntary written consent for the human embryos to be used for research purposes.”¹⁷ The Guidelines permit funding of ESCR only on embryos left over from reproductive *in vitro* fertilization techniques in which embryos are created but only some are implanted in the woman’s womb to be carried to term. The excuse that such left-over human beings “are going to die anyway” does not justify intentionally killing them any more than it would justify involuntary lethal experiments on condemned criminals.

The Guidelines do not allow federally funded ESCR using embryos specially created for research purposes by *in vitro* fertilization or cloning.¹⁸ Such “is prohibited,” according to the Guidelines, “by the annual appropriations ban on funding of human embryo research . . . otherwise known as the Dickey-Wicker Amendment,”¹⁹ which bars funding for “the creation of a human embryo or embryos for research purposes; or [for] research in which a human embryo or embryos are destroyed, discarded, or knowingly

subjected to risk of injury or death greater than that allowed for research on fetuses in utero.”²⁰ Efforts are underway in Congress, however, to terminate the Dickey-Wicker restriction so as to allow federal funding of the creation of embryos, by cloning or *in vitro* fertilization, for use in research.²¹

Cloning

In cloning, the nucleus of a somatic cell, which is any cell of the body other than a sperm or egg cell, is inserted into an egg (ovum) cell from which the egg cell’s nucleus has been removed. The egg is then electrically stimulated to react as if it had been fertilized by a sperm cell. The result is a one-cell zygote which divides and develops.²² For the first eight weeks it is called an embryo. The cloned embryo is genetically identical to the donor of the somatic cell. Depending on the use made of the cloned embryo, cloning can be “reproductive,” in which the embryo is implanted in a woman’s womb and carried to term, or “therapeutic,” in which the embryo is killed by removal of the stem cells for use in research. Both types are condemned by Catholic teaching.²³ “We will ensure,” Obama said, “that our government never opens the door to the use of cloning for human reproduction. It is dangerous, profoundly wrong, and has no place in our society, or any society.”²⁴ He opened the door, however, for the worse evil of therapeutic cloning. Once the Dickey-Wicker restriction is removed, we can expect that the Obama Administration will fund the creation of new human beings by cloning for the purpose of killing them and using their stem cells for research.²⁵ The experiments performed by Nazi doctors on concentration camp prisoners were unimaginative and primitive by comparison. By conferring Notre Dame’s highest honors on the national leader who is setting the stage for such an atrocity, Notre Dame’s officers acted like “good Germans” who were submissive to their Führer.

In his 2002 book, *God and the World*, Cardinal Joseph Ratzinger, now Benedict XVI, discussed the description in *Genesis* 3 of the posting of angels east of Eden with flaming swords to keep man, after the Fall, from eating of the Tree of Life. After the Fall, man was forbidden to eat of that tree which gave immortality, “since to be immortal in this [fallen] condition would . . . be perdition.” People are now, Ratzinger said, “starting to pick from the tree of life and make themselves lords of life and death, to reassemble life.

“[P]recisely what man was supposed to be protected from is now actually happening: he is crossing the final boundary. . . . [M]an makes other men his own artifacts. Man no longer originates in the mystery of love, by . . . conception and birth . . . but is produced industrially, like any other product.”

This is serious business. “[W]e can,” said Ratzinger, “be certain of this: God will take action to counter an ultimate crime, an ultimate act of self-destruction, on the part of man. He will take action against the attempt to demean mankind by the production of slave-beings. There are indeed final boundaries we cannot cross without turning into the agents of the destruction of creation itself, without going far beyond the original sin and the first Fall and all its negative consequences.”²⁶

Rationing of Health Care

At the other end of life, the Obama Stimulus Package contains health care provisions that foreshadow a change from current standards under which Medicare pays for treatments that are safe and effective. The Stimulus applies a cost-effectiveness standard that would be likely to entail rationing of health care in some situations.²⁷ “It doesn’t matter what your doctor says,” claimed a *Washington Times* editorial. “[T]he Obama administration plans to decide if you will have cancer treatment or heart surgery. Appearing on ‘Meet the Press’ . . . Lawrence H. Summers, President Obama’s chief economic adviser, stated, ‘Whether it’s tonsillectomies or hysterectomies . . . procedures are done three times as frequently [in some parts of the country than others] and there’s no benefit in terms of the health of the population. And by doing the right kind of cost-effectiveness . . . some experts . . . estimate that we could take as much as \$700 billion a year out of our health care system.’ Let’s be clear – Mr. Summers is talking about rationing. . . . Mr. Summers tried to kill the pain by saying it all wouldn’t have to be cut right away. That’s only comforting if it’s not your loved one’s transplant that bureaucrats reject. The hypocrisy is enough to make a heart stop. A White House that doesn’t think government should intervene between a doctor and a woman deciding whether to have an abortion has no problem telling doctors whether they can perform tonsillectomies or hysterectomies.”²⁸

As Senator Tom Coburn (R-OK), a physician, put it, “the ultimate result of every government-run healthcare plan around the world is

rationing. [M]ost of the expenses come from . . . senior citizens. . . . Most of the cuts will come from . . . payments for those senior citizens. So you . . . will end up with a form of rationing that will have a tremendous impact on care.”²⁹

Abolition of Conscience Protection

On December 18, 2008, the Bush Administration published new “conscience rules,” timed to take effect just before the Obama Administration took office on January 20, 2009. “The . . . regulation cuts off federal funding for any state or local government, hospital, health plan, clinic or other entity that does not accommodate doctors, nurses, pharmacists and other employees who refuse to participate in care they find ethically, morally or religiously objectionable.”³⁰ The regulations were necessary because various statutes³¹ “that would otherwise prevent discrimination against hospitals and health care workers were being ignored or overlooked.”³² The Obama Administration has moved to rescind those Bush regulations.³³ The statutes protecting against discrimination are still in effect. But the rescission of the enforcing regulations portends a lack of enforcement, if not an outright repeal, of some or all of those statutes. The regulations made the statutes effective. Why remove the regulations unless the intent is to ignore or even repeal the statutory conscience protections? As Cardinal Francis George put it, the removal of the rule, “that [protects] doctors, nurses and others . . . who have objections in conscience to . . . abortion and other killing procedures . . . would be the first step in moving our country from democracy to despotism.”³⁴ On July 2, 2009, President Obama told representatives of the Catholic press that “I reiterated my support for an effective conscience clause in my speech at Notre Dame.”³⁵ Obama’s mention of conscience at Notre Dame was deceptive, as we shall see in Chapter 4.

Many Notre Dame alumni and students are in the health care professions or in pre-medical studies. The University’s conferral of Notre Dame’s highest honors on the man who is moving to force medical professionals to choose either to leave their profession or participate in the execution of the unborn or other violations of conscience, was an inexcusable betrayal of a fiduciary duty to those alumni and students.

Other Issues

President Obama’s record on these life and conscience issues provides

abundant reason why he should not have been honored by Notre Dame. Other aspects of his record, including his unprecedented fiscal deficits and such a stunning expansion of executive power and of federal control over private entities and states that it amounts to an extraconstitutional coup, should have alerted Notre Dame's administrators to the recklessness of committing the name and reputation of Notre Dame to Obama in the face of such well-grounded opposition to him and his policies. Unmentioned in the background are the pending lawsuits – not yet finally resolved on the merits – that raise serious questions as to Obama's eligibility for the office.³⁶ If the challenges are finally upheld and Mr. Obama is held to be ineligible, unprecedented questions of fraud would arise. It was imprudent to honor Obama in the absence of a resolution of those questions.

Despite the erosion of its Catholic character, which we will discuss in later chapters, Notre Dame has endured for many as an icon, a rock, of Catholic integrity. It was more than football and more than the TV ads during football games depicting Notre Dame students and faculty as "Fighting Irish" against global warming and other politically correct foes (but never against abortion). It was tied up with an image, however false, of Notre Dame as sort of a Marine Corps of the Catholic Church. In view of his record, Notre Dame's conferral of its highest honors on Obama gave scandal to alumni, students and the public. It understandably raised Jake Holman's question. We will try to explain what happened. And why.

Endnotes

I. Invitation and Reaction

- 1 Steven Ertelt, "Catholic Bishops' Leader and More Bishops Oppose Barack Obama at Notre Dame," Life News, www.lifenews.com, April 2, 2009; John Gerardi, "Bishops' Response to Obama Invite," *Irish Rover* (Notre Dame), April 14, 2009, 9.
- 2 Most Rev. Raymond L. Burke, Address, National Catholic Prayer Breakfast, May 8, 2009.
- 3 *Today's Catholic*, March 29, 2009, p. 1.
- 4 *University of Notre Dame Newswire*, March 20, 2009; *South Bend Tribune*, March 21, 2009, p. A1.
- 5 *Ibid.*
- 6 Gary Bauer, "Saddleback: A Defining Moment in Outreach to Evangelicals," *Human Events*, www.humanevents.com, August 22, 2008.
- 7 For the text and legislative history of SB1082 (2003), see Illinois Senate Republican Staff Analysis in National Right to Life Committee, "Obama Cover-up Revealed on Born-Alive Survivor Bill," National Right to Life Committee website, www.nrlc.org/obamaBAIPA/ObamaCoverup.html; see also Terence Jeffrey, "The Obama Debate Every American Should See," www.townhall.com, October 8, 2008, recounting the debate in the Illinois Senate between Senator Obama and Senator Patrick O'Malley on SB 1095; see also Joel Mowbray, "Obama's Falsehood," *Washington Times*, August 21, 2008, p. A27.
- 8 S.1173 and H.R. 1964 (110th Cong., 1st Sess.)
- 9 See President Barack Obama, *Memorandum to Secretary of State and Administration of USAID, on Mexico City Policy and Assistance for Voluntary Population Planning*, January 23, 2009.
- 10 See www.rhrealitycheck.org, May 8, 2009; see Steven Ertelt, "Obama Administration Announces \$50 Million for Pro-Forced Abortion UNFPA," Life News, www.lifenews.com, March 26, 2009.
- 11 See Steven Ertelt, "President Obama's New Budget Calls for Tax-Funded Abortion in Nation's

- Capital,” Life News, www.life-news.com, May 8, 2009.
- 12 Steven Ertelt, “President Obama’s Pro-Abortion Record: A Pro-Life Compilation,” Life News, www.lifenews.com, May 11, 2009.
- 13 www.whitehouse.gov, *Executive Order 13505*, March 9, 2009.
- 14 See Steven Ertelt, “Kansas Archbishop Urges Pro-Abortion Gov. Sebelius to Skip Communion,” Life News, www.lifenews.com, May 9, 2009.
- 15 See Bernadine Healy, “Why Embryonic Stem Cells are Obsolete,” *U.S. News and World Report*, March 4, 2009.
- 16 *Evangelium Vitae*, no. 60.
- 17 *Guidelines*, II A (1) (2). See <http://stemcells.nih.gov/policy/2009guidelines.htm>.
- 18 See Bernardine Healy, “Obama Lifts Stem Cell Ban But Opens Debate on Embryo Creation,” *U.S. News & World Report*, March 9, 2009.
- 19 *Guidelines*, V A.
- 20 Omnibus Appropriations Act, 2009, Sec. 509 (a) (1) and (2).
- 21 See National Right to Life Committee, *Letter*, March 31, 2009, by Douglas Johnson to all Members of Congress. www.nrlc.org.
- 22 See discussion in Pontifical Academy for Life, *Human Cloning is Immoral*, July 9, 1997.
- 23 See Congregation for the Doctrine of the Faith, *Dignitas Personae* (2008), nos. 28–30.
- 24 Transcript provided by White House of President Obama’s remarks on stem cell research, March 9, 2009, *New York Times* online edition, www.nytimes.com, Politics, March 9, 2009.
- 25 See National Right to Life Committee, *Letter*, March 31, 2009, by Douglas Johnson to all Members of Congress. www.nrlc.org
- 26 Cardinal Joseph Ratzinger, *God and the World* (2002), 133–35; see Charles E. Rice, “Christmas Messages,” *The Observer*, December 9, 2008.
- 27 American Recovery and Reinvestment Act of 2009, Division A, Title XIII, and Division B, Title IV. Accessible online at www.thomas.gov.
- 28 “Rationing Health Care,” *Washington Times*, editorial, April 21, 2009, p. A18.
- 29 Jim Mayers, “GOP’s Coburn: Obama’s Healthcare Will Devastate Seniors,” www.news-max.com, April 30, 2009.
- 30 Rob Stein, “Rule Shields Health Workers Who Withhold Care Based on Beliefs,” *Washington Post*, December 19, 2008, p. A-10.
- 31 For example, the Church Amendments (42 USC 300a-7), the Coats-Snowe Amendment (42 USC § 238n, the Public Health Service Act), and the Weldon Amendment (PL 110–161). See E. Christian Brugger, “Obama and the Bush Conscience Regulations,” (2009), Culture of Life Foundation, www.culture-of-life.org.

- 32 Statement of William J. Cox, president of the Alliance of Catholic Health Care, *Business Wire*, April 1, 2009.
- 33 See Steven Ertelt, “Obama Takes Next Step to Scrap Protections for Pro-Life Doctors on Abortion,” LifeNews.com, May 11, 2009; Secretary, HHS, Proposed Rule Rescinding, 45 CFR Part 88, March 5, 2009; Matt Bowman, “Obama’s Conscience Claws,” *American Spectator*, July 7, 2009; <http://spectator.org/archives2009/07/07/obamas-conscience-claws/print>.
- 34 *Today’s Catholic*, March 29, 2009, 5.
- 35 “Obama Promises Conscience Protection,” Zenit, July 2, 2009; www.zenit.org/article-26353?1=english.
- 36 See, for example, *Philip J. Berg v. Barack Obama*, 129 S. Ct. 1030 (Mem.), Jan. 21, 2009 No. 08A5050; see also Andrew C. McCarthy, “Suborned in the U.S.A.,” *National Review Online*, July 20, 2009 (<http://article.nationalreview.com/?q=ZmJhMzlmZWZhOTQ3YjUxMDE2YWY4ZDMzZjZlYTVMZmU=>).