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By Gerard v. Bradley

Trump, the Church and Notre Dame

Introduction

When Bill Dempsey asked me to talk about how Trump's election would affect Notre Dame and the American Church, he had been President for a month. I mean, *Trump* had been in office for about thirty days; *Bill* has been Sycamore's President-for-life, ever since he arm-wrestled George Heidkamp for the job back in 2006.

I was honored to be asked. I was also sobered by Bill's assigned topic: Trump had no track record as a political leader. He ran more as an economic populist than as a social conservative or friend of religion. I think, though, that as we reflect more about what happened last November, we will see that the working-class voters in fly-over country who put Trump in office were moved by, economic anxiety, yes, but just as much by an abiding commitment to God and Country, really an old-fashioned patriotism. This fact came to mind as my wife Pamela described the protagonists of J.D. Vance's *Hillbilly Elegy* to me. Trump is no hillbilly. He is a New Yorker down to his socks. I think that we may be learning, though, that Trump is an old-fashioned patriot too.

I stopped fretting about what I would say this morning in early April, when the *Irish Rover* published the Commencement Speech Trump *would have* delivered

two weeks ago, in a soggy Notre Dame Stadium. Mordecai Lewis provided it to the *Rover*. If you haven't already done so, read the whole thing. It is a real treat.

I share just a couple of excerpts.

Like most people the President has a plan to make Notre Dame Football great again:

You have to stop the run. It's that simple. I will build a great wall ... our defensive line will be a great wall, and USC is going to pay for that wall, and it's going to be a great wall that stops anyone from going through...

President Trump then observed, more broadly, that

Notre Dame has fallen on some hard times. Ever since Sergeant Tim McCarthy from the Indiana State Police retired, Notre Dame has been weak.. ..I remember what Tim McCarthy said – what a great guy, by the way, a real American. He said: “Driving like a Turkey is a FOWL way to drive”.

And he's right you know...The truth is that Notre Dame has been driving like a Turkey for a while now.

Now you know why Mike Pence was invited instead.

I am pleased to report that, exclusively for use at this Sycamore Breakfast, Mordecai shared with me a section of President Trump's Commencement speech which was deleted at the request of unnamed, high Notre Dame Administrators.

The deleted remarks were about – Bill Dempsey.

According to President Trump:

Dempsey's a fantastic guy, really, and such a beautiful wife. You know, he's kind of old now. But he's not low energy, like all those Senators in Congress. A lot of

people don't like Dempsey because he criticizes Notre Dame. I guess they don't like me either. What a bunch of turkeys!

I was gonna ask Dempsey who to nominate for the Supreme Court. But someone, I can't remember who it was, told me that Dempsey clerked for a liberal Chief Justice, what's his name, Earl Burger or something. The Russians didn't tell me though. I mean, Putin doesn't even know Bill Dempsey.

I asked Dempsey anyway. He mentioned a Notre Dame Law professor, Bradley. I looked him up. He's a conservative nut, a real wack-job. Jared said that nobody has been to the right of Bradley since Benito Mussolini died.

Who the hell was Mussolini? I once had a barber named Ceccolini. Now I do my own hair.

I

One way to talk about Trump and the Church and Notre Dame is to compare his policies to Catholic Social Teaching. But I could not do that very well in the half-hour Bill Dempsey has allotted to me. So, we have a choice to make.

I could ask Bill if we could keep this room until, say, 11:30.

Or I could take a shortcut.

Ok, let's take the shortcut.

The shortcut is to say something about just three social issues, and then talk about religious liberty, and then conclude with a word or two specifically about Notre Dame.

First: abortion, which remains the great human rights issue of our age.

Donald Trump has already shown himself to be a stout defender of our tiniest brothers and sisters. This commitment is shown by his reinstatement and then expansion of the Mexico City Policy, his willingness to defund Planned Parenthood, his judicial nominations to date, and more. It is a pattern virtually certain to continue.

The President has not shown similar good judgment about another huge social issue, the defense of marriage and the family based upon it. I would like to think that Trump's reticence is due to the influence of his daughter and son-in-law, who, notwithstanding their observant Judaism, seem to be standard issue Manhattan liberals on these issues. But I fear that the President himself does not really get it on marriage and sexuality. I suspect that the best we can hope for from the Administration is more rather than less religious protections against this revolutionary force. .

Third: if you feel like you are entering the Twilight Zone as I turn to "transgenderism", well, I can assure you only that I am not Rod Serling. But they really have made (as we used to say) a *federal case* out of a fourteen-year-old girl who does not just feel like a boy, or who wants to present as a boy. She insists – and her lawyers assert all the way to the Supreme Court – that she *really is* a boy. But this troubled teen is no more *really* a boy than an anorexic is *really* fat. Like the anorexic, she is simply out of touch with reality.

You know the basic political and legal story – bathroom wars, boycotts of North Carolina for requiring everyone to use the bathroom of one’s real sex, etc. The Obama Administration helped to fuel all this by issuing two legal opinions, one from the Department of Education and the other from the Justice Department, making all educational institutions which receive federal funds – and that would include Notre Dame -- treat people as male or female according to which they say they are, not which they truly are.

Then a funny thing happened on the way to the Supreme Court: Donald Trump was inaugurated, and his Administration rescinded those letters. The Supreme Court kicked the case back downstairs.

So, Notre Dame was relieved of legal pressure to buy into what my friend and client, the renowned Johns Hopkins psychiatrist Paul McHugh, calls a “craze”. It is unfortunately not that Notre Dame will seize the opportunity to prefer reality to delusion.

Fr. Jenkins took to the pages of the *Wall Street Journal* last September 25, where he objected to the Atlantic Coast Conference’s decision to move championship games out of North Carolina because of its “bathroom” law. But Fr. John did *not* say that the ACC’s decision was wrong on the merits. His was more a constitutional objection; he said that an athletic association should leave the decision to legislators or to member schools. To this minute Notre Dame has yet

to squarely deny news reports that the member schools of the ACC voted *unanimously* to boycott North Carolina.

The closest Father John came in the *Journal* op-ed to defending the truth of the matter was this: “[S]ome citizens may wonder about the implications of substituting gender identity for biological sex in public restrooms....It is important to also take into account the feelings of those who might be uncomfortable undressing in front of a member of the opposite biological sex”.

For saying this Fr. Jenkins was bitterly criticized in a letter to the *Observer*, signed by 47 faculty and staff, including many supervisors, chairs and directors, for being too timid. *They* said that Fr. Jenkins was “privileging the rights and feelings of cisgender and heterosexual people” They compared the NC bathroom law to Jim Crow – that is, to legally enforced racial segregation -- and vowed “not to remain quiet in the face of [such] discriminatory remarks”.

You can read more about this sad story in the Sycamore Bulletin of November 19, 2016..We should pray that Notre Dame has the courage to withstand this sort of criticism when, someday very soon, a “transgendered” student demands to be treated according to his or her imagined sex.

Here I should like to pause to congratulate Fr. Jenkins for refusing to declare Notre Dame a “sanctuary” campus. No doubt the Church – indeed, any person of

good will – should respond compassionately to everyone in need of food, shelter, clothing. Consider the Good Samaritan. But “sanctuary” status is not about corporal works of mercy. Its meaning is a bit spongy, vague ; maybe it is more a militant stance than it is a defined position. That is one good reason not to jump on the sanctuary bandwagon – the jumper would not really know what he is buying into. Declaring Notre Dame a “sanctuary” campus would likely have committed Notre Dame to not only open opposition to government policies on immigration, but also to a refusal to give legally required cooperation to federal authorities. And that Notre Dame should not do.

I do not know what difference the Trump Administration’s hostility to the sanctuary movement played in Father John’s decision. He would have consulted with University lawyers. They would have told him that, as a recipient of federal funds, Notre Dame would have been in the firing line of any penalties imposed by the United States on “sanctuary” campuses.

Now on to the most important thing that any President can do to help the Catholic Church and Notre Dame, which is to create and maintain the legal space needed for Catholics and Catholic institutions to live lives of moral integrity and faithful witness to the truth.

We are talking about religious liberty.

It is the pearl of great price, the essential thing that the Church and Notre Dame both need – in fact, should demand – of the law and those who make it. To its overriding importance, you have to evict from your mind the way many in our pluralistic society think of religious liberty, as if Catholics (for example) are an interest group and the Church is a political lobby, as if we have a political agenda and we just want to win the political game and get what we want.

Religious liberty is not like that, at least not for Catholics. It is about fulfilling the Church's divine mission. As the world's bishops said at Vatican II, in *Dignitatis humane* (the Declaration on Religious Freedom): "Among the things that concern the good for the Church... ..this certainly is pre-eminent: that the Church should enjoy that full measure of freedom which her care for the salvation of men requires".

But religious freedom is also about the here and now, about temporal society. A free and faithful Church is the surest guarantor there is on earth of peace and the common good. It is ever the foe of injustice. If the Church is free, then there is a body of people in society who adhere to an authority higher than the state, and who are called by their Lord to redeem the created order, to make it truly just.

Simply put: the best thing that the Church can do for our society – for *any* society – is to be the Church. The best thing that Catholics can do is be Catholic. And the best thing any public official is to help those two things to happen.

By this crucial measure, Donald Trump has already done much good and is poised to do a lot more of it. On May 4 he was photographed outside the White House with Little Sisters of the Poor, assuring them that their “long ordeal would soon be over”. Hard to imagine Hilary Clinton doing that!

That day Trump issued an Executive Order on religious liberty. This initiative was to some – myself included -- a disappointment for stopping well short of simply exempting religious employers like Notre Dame from the HHS mandate. And it did not address at all the oppression which the Supreme Court’s creation of a right to same-sex “marriage” has visited upon so many people, especially but not only wedding vendors.

Earlier this week, however, the Administration leaked a draft regulation doing the right thing on the HHS “contraception” mandate. Note well: this is not yet law. It is not yet even an interim rule. But the Administration seems ready to make it law, and it provides a very broad exemption from the HHS “contraception” mandate. This is exactly what Notre Dame and scores of other religious plaintiffs have been demanding in court. Trump is to be applauded for this.

But be careful what you wish for, I suppose. Trump chose to do the right

thing, but I doubt that Notre Dame will. I fully expect that Notre Dame will continue to facilitate free access to “contraceptives”, even though in its lawsuit the University says that doing so is contrary to Catholic faith.

I am hope I am wrong in this prediction.

We happen to live in a society where religious liberty is to a significant extent up to the courts, often under the First Amendment but sometimes under a state or federal statute – such as the Religious Freedom Restoration Act. The broad terms in these laws leave judges a great deal of space to work within a sound -- or an unsound -- understanding of what religion is, how valuable it is to persons and to society, and – perhaps most critically -- what the meaning of equality and “non-discrimination” are when it comes to matters of “sexuality”. Way too often liberal judges have substituted their ideological biases for the law when all these things come into contact.

Donald Trump has not and will not be nominating judges like that. I think that Trump’s judiciary will probably be his most valuable legacy to us, and it is a legacy that will pay dividends for decades.

II

No public official can make anyone or any institution seize the opportunity to be a faithful witness to the truth. No public official should even try, for faithful witness must come from the heart.

It has been the great good work of Sycamore to respectfully but firmly call Notre Dame to that fidelity, to stand tall for the truth of Catholicism. The great temptation, or potential pitfall, with Catholic groups which try to do something like what Sycamore tries to do, is to confuse traditions and even nostalgia for the truth. And it is the truth which must be our bedrock, our touchstone, not our memories of “old Notre Dame”, however warm those memories and however good Notre Dame truly was many years ago.

I have been here long enough – twenty-five years -- to be nostalgic for an older Notre Dame. I remember when we anticipated reunion weekend as the time when the “plaid pants” crowd returned to campus. Some looked of us who live and work here looked forward to seeing that crowd. Others here? Not so much.

Anyone besides George Heidkamp wearing plaid today?

I thought not.

A family friend recently returned from a frustrating driving vacation in California, where she lamented that they have just two seasons out there: winter, and construction. Notre Dame now has one season.

Perhaps my introduction to such nostalgia came from Ralph McInerny, during my first year or two at Notre Dame. After 11: 30 Mass at the Basilica one day we strolled across the South Quad towards the Legendary Oak Room for lunch. Past the old bookstore Ralph gazed west, in the direction of the Rock. His

eyes seemed fixed on some mid-point, and after a pause he reported his memory of *streakers*, lots of them, right there running across the quad. He thought it was 1973 or 74.

I asked: “Now, Ralph, were these boy streakers that you saw, or were they girl streakers?”

“I don’t know”, he replied. “They all had bags over their heads.”

III

This is the season of “crisis and renewal” laments among faithful Catholics. I have in mind recent good books by Rusty Reno, who is editor of *First Things*, by Anthony Esolen, a truly gifted teacher and scholar who has just decided to move from Providence College to Thomas More College, by Rod Dreher, and finally by, Archbishop Charles Chaput, of Philadelphia. Perhaps the titles of just these last two will clue you into to what I mean. Dreher’s is *The Benedict Option: A Strategy for Christians in a Post-Christian Nation*. Archbishop’s is *Strangers in a Strange Land*. .

I agree with these authors that American culture’s fall from grace is going to continue apace for the foreseeable future, even if the rate of descent slows during the Trump years. Notwithstanding the safe harbors that the Trump Administration is providing to Notre Dame, the challenges to Notre Dame’s Catholic identity are

going to grow stronger, not weaker, in the coming years.

And that is because those challenges arise chiefly from one thing that Trump can do little about, and one thing he can do nothing about. The first is the accelerating secularist drift of the academy. The second is Notre Dame's determination to become a great 21st century global research university.

Here are just two illustrations of what this fraught determination looks like on the ground here, at Notre Dame. You will see the challenge to the University's Catholic identity immediately.

One is that in my 25 years here I have seen use of the phrase "that is what our peer schools are doing" explode exponentially in campus discussions, as a debate stopper, as the decisive criterion, even as an undeniable truth. But the list of our peer schools includes no Catholic university, even though sometimes Georgetown is on it. The ACC includes none.

Two: up until a handful of years ago I would have sworn that I would retire from this University without ever hearing the phrase "the Notre Dame brand" uttered as anything but a punch line to an unfunny joke. Well, I am still here. And it is now commonplace to hear the mantra of "promoting" or "protecting" the "brand", pronounced solemnly by important people, with just a trace of irony, as a rule of decision.

And I am not talking about tee-shirts.

Since 2007 Notre Dame has produced short commercial spots for broadcast during the football games. You all have seen them. In them a morally earnest Notre Dame faculty or student is doing some good deed, often but not always in a socially progressive cause, often but not always exhibiting a spiritual motive for the good work. Is this Notre Dame's brand? It seems to be, and these commercials are a perfect specimen of it. But the commercial I want to see does not feature someone *at* Notre Dame. It is about Notre Dame. It does not ask "What would you fight for? Instead it asks: "What would you risk the brand for?"

All of this is truly perilous. If I had to describe the beam in Notre Dame's eye in twenty-five words or so, I would put it this way: Notre Dame really cares about its Catholic identity. But Notre Dame wants its Catholic identity cheap, at little or no cost to its overriding goal of being a great global research university. The reality is, though, that Catholic identity is not available *cheap*. The price is going to go up, not down.

I think that a nearly heroic devotion to the truth will be needed to keep Notre Dame on track. But heroes are in short supply. Even the thought of aspiring to that status seems a bit stiff-necked, even Pharisaical. So, let us pray that those who care for Notre Dame – most especially, for those endowed with the authority to shape its future – be instead humble servants of the truth.

That is all that they, or any of us, should ever try to be.