

# Thomas More Society

## PRO-LIFE LAW CENTER

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THOMAS BREJCHA, PRESIDENT

May 9, 2011

## The Ordeal of the ND88 is Finally Over!

Even today, I still can't believe it. Standing in the St. Joseph County Courthouse last Thursday, alongside our Special Counsel Tom Dixon, it didn't sink in that our two-year fight was finally over. The criminal charges that the St. Joseph County, Indiana prosecutor had been pressing against our clients, the "ND88," were dismissed, without any further cost or penalty to the defendants.

This result, long overdue, was achieved after lengthy negotiations between counsel for Notre Dame, which has been the complaining witness, and our defense team, led by Special Counsel Tom Dixon. Dixon is the heroic South Bend lawyer who volunteered two years ago, immediately following the arrests, to sign on as "defense counsel of record" for each and every one of those arrested and jailed for entering upon Notre Dame's campus to protest – peaceably and prayerfully – against the honors the University was going to bestow on President Barack Obama at the 2009 Commencement. Tom took this bold and daring step as an act of pure faith, trusting that God would provide the resources necessary to vigorously pursue the cases.

Shortly thereafter, officials at the Archdiocese of Denver asked that we join Tom in defense of two ladies, Jane Brennan and Laura Rohling, who worked with that Archdiocese in giving talks and ministering to post-abortive women in and around Colorado. We agreed, met Tom Dixon in court in South Bend, retained him as our "special counsel," joined him as co-counsel in defense not merely of the two heroic ladies from Denver but also for the rest of the ND88, and promised to support the defense for the duration.

We owe you our heartfelt gratitude for your support, without which we could not have sustained the kind of defense necessary to win these cases. We believe that the disposition of these cases will mark a milestone in our battle to win more active support and engagement on the part of so many Christians, especially Catholics (54% of whom voted for then-Sen. Obama despite his embrace of abortion on demand), who profess to be "pro-life," but whose actions don't match their words. As Ms. Norma McCorvey, the "Jane Roe" in *Roe v. Wade* and one of the ND88 has put it, "You can't just talk the talk, you've gotta walk the walk!"

A copy of the press release we have just issued is enclosed herewith. You may note our statement that, "The parties remain in profound disagreement over the 2009 Commencement," but they "reaffirm a commitment" to pro-life values. Indeed, along with Notre Dame, we have pledged "to work together to find ways to increase [our pro-life] efforts and maximize their impact on the nation's contentious, ongoing debate over abortion policy."

Counsel for Notre Dame already has advised us that the brave, intrepid witness for life on the part of the ND88 – and their fortitude throughout this proceeding over two long years – has had a marked impact within the University. For instance, Notre Dame President Fr. John Jenkins

personally led increasingly large delegations of students, faculty, and administrators to the past two Marches for Life in Washington, D.C. A newly appointed Task Force on Supporting the Choice for Life has issued recommendations, many of which have been adopted. Pro-life principles have been publicly reaffirmed and will govern charitable and research activities. Project Guadalupe was instituted, lauded by the Sycamore Society, an alumni group committed to preserve the religious character of Notre Dame, as “the most promising pro-life initiative in the history of the University.” Its first project, the Vita Institute, will host scholars and college graduates for interdisciplinary studies on campus over two weeks this June and annually thereafter. Another initiative is that every single Notre Dame alumni club nationwide and around the world – and there are over 300 of them – will soon be asked to link up with an existing local pregnancy resource center or to start a new one.

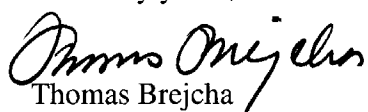
We don't mean to underestimate the challenges ahead. Scarcely was the ink dry on our agreement to resolve the ND88 criminal cases when it was reported that the Notre Dame Faculty Senate rejected a resolution affirming the University's more recent outspoken commitment to the dignity of the human person and the sanctity of human life – and this by a resounding 22-8 vote!

Make no mistake, to “restore respect for life in law” – whether at Notre Dame or elsewhere throughout the country – will take much more hard work. And, your support is vital if we are to continue that work and fight back against the abortion industry when it attacks pro-lifers such as:

- Lila Rose, the brave young leader whose undercover work has shown the truth about Planned Parenthood and its willingness to cover up underage prostitution and sex trafficking;
- Former Kansas Attorney General Phill Kline, the only prosecutor who has ever brought criminal charges against Planned Parenthood;
- Eric Scheidler, who exposed the truth and directed the public outcry against the Planned Parenthood mega-clinic in Aurora, Illinois;
- 40 Days for Life vigil participants across the country, who have been harassed by abortion clinic workers and pro-abortion government officials;
- And many, many others.

Thank you again for your support, and may God bless you and your loved ones.

Faithfully yours,

  
Thomas Brejcha  
President & Chief Counsel

PS – Your support of the Thomas More Society – both spiritual and financial – bears real, tangible fruit.

PPS – Our staff prays for our supporters daily, and we attorneys walk into court more confident knowing that you, and all of our faithful supporters, are at our side in spirit if not in person!

# Thomas More Society's Relentless Legal Pursuit Wins Justice for Pro-Life Activists at Notre Dame

*Charges Dropped Against Anti-Abortion Protesters at University's Commencement with President Obama*



May 5, 2011 (Chicago)... Today, Michael Dvorak, St. Joseph County, Indiana prosecutor, dismissed the criminal trespass charges that he has pressed over the last two years against all of the pro-life protesters, known as the "ND88," the individuals arrested for trespassing when they entered upon Notre Dame's campus in peaceful and prayerful protest against the University's bestowing honors on President Barack Obama at the 2009 Commencement. Dvorak dropped the charges as part of an agreement between the Thomas More Society and the University.

"This is a big step forward and a victory for the pro-life cause," said Tom Brejcha, president and chief counsel of the Thomas More Society and a 1965 Notre Dame graduate. "We are appreciative of the steps that Notre Dame has taken, including successive visits by University President John Jenkins, C.S.C., and other campus leaders to the March for Life in Washington, D.C., both in 2010 and 2011, to mark the anniversary of *Roe v. Wade*, and the creation of new and significant pro-life initiatives on campus. Those who share pro-life convictions may differ on tactics and approaches, but they best serve their sacred cause when they work together to secure the common good for *all* human beings, born and unborn alike, rather than carrying on as courtroom antagonists."



Tom Dixon, South Bend, Indiana attorney and Thomas More Society special counsel, had led the defense over the last two years, during which the parties engaged in vigorous litigation, including extensive discovery proceedings.

The parties remain in profound disagreement over the 2009 Commencement, but after prayerful consideration they have decided to put their differences behind them, to cease battling in court, and rather to affirm a commitment to the fundamental proposition that each and every human life is sacred, from conception until natural death, no matter whether rich or poor, humble or exalted, wanted or "unwanted."

Moreover, both parties have pledged not to rehash the events of the past, but on the contrary, to recognize each other's pro-life efforts and to work together to find ways to increase those efforts and maximize their impact on the nation's contentious, ongoing debate over abortion policy.

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ENTRY FORM  
ST. JOSEPH SUPERIOR COURT

DATE: 5/5/11

PARTIES: State of Indiana

CASE NUMBER 71D01-0905-CM-03246  
71D01-0905-CM-03247

vs.  
All Consolidated Case Defendants

**- FILED -**  
MAY 05 2011

St. Joseph Superior Court  
Clerk

THE CHRONOLOGICAL CASE SUMMARY ENTRY UNDER THIS CASE NUMBER:

State moves to dismiss all consolidated  
case defendants, with prejudice. For the reason  
that the victim no longer wishes to pursue,  
in the interest of justice.

Defendants no objection. The Court now  
grants the States Motion. These cases are

A FULL TEXT FOR THE RECORDS OF JUDGMENTS AND ORDERS IS ATTACHED:

Dismissed with prejudice.

YES  NO

SUBMITTED BY:

William J. Ward

ATTORNEY NUMBER:

ATTORNEY FOR: State of Indiana

Mubak S. Agelita  
JUDGE, ST. JOSEPH SUPERIOR COURT