

October 9, 2020

The Honorable Lindsey Graham
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Graham and Ranking Member Feinstein:

Since submitting my response on September 29, 2020 to the Committee's Questionnaire regarding my nomination, I have been made aware of some items that you may have already seen. Although it is not clear their disclosure is formally responsive to the Questionnaire, I enclose supplemental responses (with attachments) to the Committee's Questionnaire out of an abundance of caution.

First, I have been informed of brief statements I provided to a publication at Rhodes College in 1994 regarding the Honor Council on which I served. In addition, I have been reminded of an article I wrote for the Rhodes student newspaper encouraging students to attend a career fair. To the extent these materials are responsive, I have attached copies hereto and included questionnaire entries as an attachment.

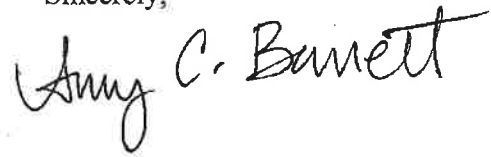
While I was a full-time faculty member at Notre Dame Law School and a member of the University Faculty for Life, my name appeared in an advertisement sponsored by that group in the student newspaper. To the extent that advertisement is responsive, I have provided a copy of that advertisement as an attachment.

In addition, as a faculty member at Notre Dame Law School, I made two informal presentations to student groups that were not initially listed. One was a reprise of an earlier lecture, for which I have already submitted my notes. To the extent such presentations are responsive, I have provided entries for these events.

Consistent with the practice of prior nominees, I will continue to supplement the information provided to the Committee as appropriate. I thank the Committee for its consideration of my nomination.

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Sincerely,

A handwritten signature in black ink that reads "Amy C. Barrett". The signature is written in a cursive style with a large, prominent "A" and "B".

Amy Coney Barrett

October 9, 2020

Attachment

Question 12.a.

Career Fair Provides Information for Jobless Rhodesians, Sou'wester (Rhodes College), Feb. 3, 1993. Copy supplied.

Question 12.b.

University Faculty for Life and the Notre Dame Fund to Protect Human Life, *Paid Advertisement*, Jan. 22, 2013. Copy supplied.

Question 12.d.

November 19, 2013: Presenter, "The Supreme Court's Abortion Jurisprudence," *Jus Vitae*, Notre Dame Law School, Notre Dame, Indiana. This was a reprise of the January 18, 2013, Tocqueville Lecture, "Roe at 40: The Supreme Court, Abortion and the Culture War that Followed," using the same notes as that lecture.

April 12, 2013: Participant, "Being a Woman After *Roe*," University Faculty for Life, Center for Ethics and Culture and the Institute for Church Life, University of Notre Dame, Notre Dame, Indiana. I have no notes, transcript, or recording from this occasion, on which I held an informal discussion with a small group of students. The address of the Notre Dame Center for Ethics and Culture is 424 Geddes Hall, Notre Dame, Indiana 46556.

Question 12.e.

Helen Watkins Norman, *Presumed Honest: A Way of Life at Rhodes*, Rhodes Magazine, Spring 1994, at 8. Copy Supplied.



Wilson Carey McWilliams takes questions after his lecture Thursday night.

McWilliams Explains Election Results; Voices Conservative Fears

by Emily Flinn
Staff Writer

On Thursday, January 28, Wilson Carey McWilliams came to speak at Rhodes about "The Meaning of the 1992 Election". McWilliams is a professor of political science at Rutgers University and the author of many books on the meaning of being an American.

McWilliams said that most people were drawn in the election by hope. They were looking for something familiar in unfamiliar territory. However, he also stated that the people, while voting for change, were fearful. This change was not a desire for something radically new, but rather a desire for a return to the past. The press kept encouraging this by constantly comparing the election and the candidates to past figures.

According to McWilliams, the

number one reason Bush lost was because of the economy. For the first time in American history, the people had no confidence that the recession would be followed by a period of prosperity. McWilliams classified the American people into two classes economically—the exempt and the trapped. He said that middle income families were vulnerable because their income has remained stagnant for a decade, while white collar workers were vulnerable because of a high rate of layoffs—40% in 1992. Also, the number of single parent families at the dysfunctional income level continues to rise.

McWilliams cited the press as both a problem and a solution. The election became more of a contest between personalities instead of issues. The Congress was hurt by the Thomas/Hill hearings in the eyes of the people. The

Presidency was surrounded by scandal and the appearance of unreliability. Bush's campaign mode seemed to be to talk down to the people, and he often made no sense when talking. Because the American people were unhappy with being distrustful of the government, there was a higher voter turnout.

McWilliams pointed out that it was not Clinton's questionable character that was a problem in the election. Rather, it was the fact that he changed his stories so often. This showed liberals as being conciliatory and wishy-washy.

McWilliams finished by saying that the biggest fear of the people now is that the new democratic platform will be swallowed up by the old democrats, and that the "slick liberals" will take over.

African American History "Embracing The Source"

Programs In Recognition Of Black History Month
February 4-26

Movie

"The Long Walk Home"

Friday, February 5 — 7:00 P.M.

Orgill Room — Clough Hall

Whoopie Goldberg portrays the character of Odessa, a house keeper during the Bus boycott in Montgomery, Alabama. She works for a woman (who is for the boycott) and whose husband is very much against the boycott.

"The Spirit Of African Music"

KPE Lee, with KPE Lee Artist, introduces African arts, history and culture through music and story telling.

Wednesday, February 10 — 4:00 P.M.

Blount Auditorium — Blount Hall

Sponsored by The Black Student Association and Multicultural Affairs

"Why Do We Need Black History In The 90's?"

Mrs. Dawnelle Hurd, M.A.

Adjunct Professor of Sociology at Memphis State University, LeMoyne Owen College, and Shelby State College.

Thursday, February 4 — 4:00 P.M.

Blount Lecture Hall — Buckman Hall

"Black Back Down The Road Again"

A drama presented by Connection Productions in which actors bring the character of prominent African Americans Alive on stage.

Friday, February 12 — 7:00 P.M. — Hardie Auditorium
Sponsored by Multicultural Affairs and Student Assembly

Tour of Historical African American Sites In Memphis

A Tour conducted by Heritage Tours, including the newly discovered Underground Railroad for runaway slaves.

Saturday, February 20 — 11:00-3:00 P.M.

Meet behind the Student Center at 11:00 A.M.

Tickets — \$15 adults; \$10 for students; \$8 for children

Money must be paid in advance. Please bring to The Office Of Multicultural Affairs by February 10.

"African American Jeopardy"

Wednesday, February 24 — 7:00 P.M.

Pub

Briggs Student Center

Sponsored by Alpha Kappa Alpha and Multicultural Affairs

Entry forms for teams can be obtained from the Multicultural Affairs Board, located in the Student Center. All entries must be returned to Doris Dixon by February 22. Prizes will be given to winning teams.

"Showtime at Rhodes"

Friday, February 26 — 7:00 P.M.

Hardie Auditorium

Donation \$2

A talent show where you can be the judge!

Proceeds will go to the United Negro College Fund. Entry forms for acts can be obtained from the Office of Multicultural Affairs.

Spring Fling '93 To Foster Campus Unity

by Brandi Barnes
Staff Writer

What is one day in the middle of the spring when all classes get cancelled without the excuse of a major holiday? If you were a student at Rhodes last year, then you know that I'm talking about Spring Fling, the campus-bonding event coordinated annually by the Student Assembly. Spring Fling is THE campus-wide beautification effort at Rhodes, during which students, faculty, and staff come together to make our little world a nicer place to be.

This year's Spring Fling is scheduled for Tuesday, April 6th. Classes will NOT be held (okay, let's go ahead and get excited early) so there's no excuse for anyone to be absent from what will be an extraordinary effort. On the morning of the event, the entire campus will be divided into teams consisting of students as well as professors and members of the staff. Each team will be responsible for a specific task (i.e. planting flowers). Then, in the afternoon when all the hard work is complete, there will be a recreation period on the "back 40" for everyone who took part.

A brand new twist for the event this year is that the Rhodes community is not the only one that will benefit from Spring Fling. Instead of limiting efforts to simply beautifying the campus, Rhodes will be offering services to surrounding residential areas as well. The idea was mentioned last year to expand Spring Fling to include building college-community relations by helping people who live near the campus. To act on this, the Student Assembly has contacted all surrounding neighborhood associations for ideas on work that they would like us to do.

Although participation in Spring Fling is not mandatory, it's a very popular thing to do. "Last year 500 people came out and participated, and we're hoping to have even more this year," says Nancy Turner, co-coordinator of this year's event. Committees are forming now to finalize plans for Spring Fling '93, and everyone interested in being on one should contact Nancy Turner or Clyde Henderson. Notices about the actual event will be posted around campus.

Career Fair Provides Information For Jobless Rhodesians

by Amy Coney

You want a JOB after graduation. Sometimes, it's easy to know where to apply—if you want to be an accountant, you apply at accounting firms, if you want to be a teacher, you talk to the Board of Education. But what if you're not quite sure what's out there? How do you know which employers are interested in students with your major and experience? Career Services, the Student Advisory Board for Career Services, and Student Assembly are offering you a chance to have some of these questions answered in person by employer representatives from Memphis. On February 4, from 10 a.m. to 2 p.m. in the North Dining Hall, Rhodes College will host its very first Career Fair.

The Career Fair is designed to help students in gathering career information, making contacts, and improving their interviewing skills. Approx-

imately twenty-five organizations will be represented, allowing students to explore career options in an informal setting. Students are encouraged to stop in any time between 10 and 2 and roam the North Dining Hall, visiting as many representatives as possible.

This is an event for all students—students who are not graduating in May 1993 can use the event to sharpen their career goals and it is an opportunity for those who are graduating in May to make contacts at companies where they would like to interview. Typical interview attire is encouraged but *not required* for seniors who are using it as a networking opportunity. And juniors and seniors may even want to bring some copies of their resume in case potential employers request them.

You will spend most of your life in your career, so it makes sense to invest some time in career exploration.

SUMMER JOBS 4UR GUEST RANCH



This exclusive guest ranch, located high in the San Juan Mountains of Colorado, is now accepting applications for employment for all positions for the 1991 summer season: waitstaff, cooks, kitchen help, ranch hands, child counselors, wranglers, groundskeepers. Spend your summer in the beautiful Colorado Rockies! For information and application, call (719)658-2202, or write: Rock Swenson, Manager, 4UR Guest Ranch, Creede, CO 81130

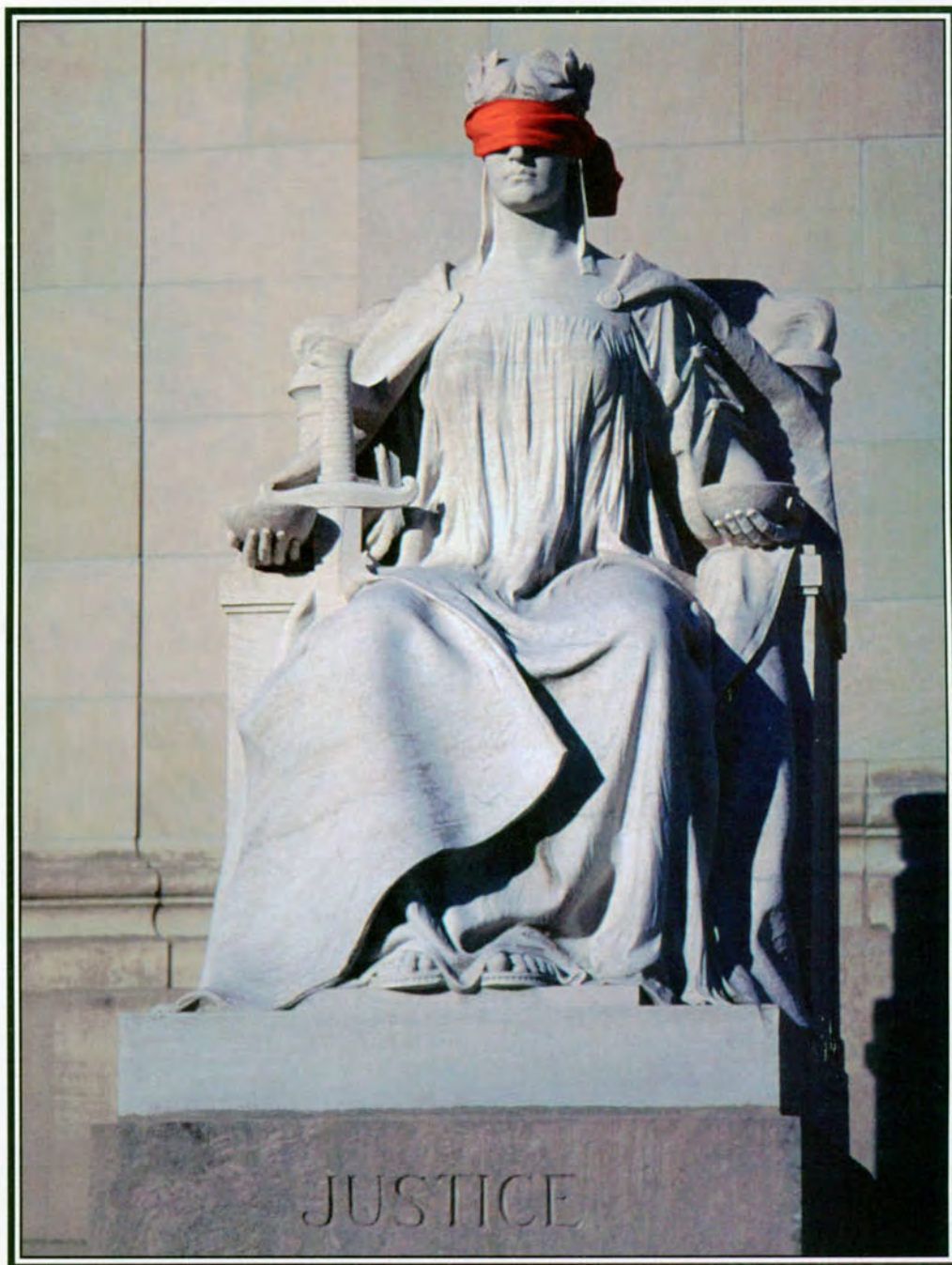


PHOTO BY TREY CLARK

PRESUMED HONEST: A WAY OF LIFE AT RHODES

BY HELEN WATKINS NORMAN

“TODAY I’M GOING TO GIVE YOU TWO EXAMINATIONS, ONE IN TRIGONOMETRY, THE OTHER IN HONESTY. I HOPE YOU’LL PASS THEM BOTH. BUT IF YOU MUST FAIL ONE, LET IT BE TRIGONOMETRY.”

How many students today would heed the words of Madison Sarratt, a once renowned mathematician at Vanderbilt? How many would accept an earned “F” over a stolen “A”?

News headlines would have you believe very few among today’s enterprising students would let a little integrity get in the way of an impressive grade. Three-fourths of high-achieving high school students surveyed recently by *Who’s Who Among American High School Students* admitted to cheating. A poll last fall of 15,000 students at 31 universities found that 67 percent of humanities majors and 87 percent of business majors said they had cheated at least once during college.

But do the national statistics truly reflect what can happen when you combine a small college community with a longstanding honor code tradition?

“No,” say students, faculty and administrators at Rhodes where an honor system has functioned effectively for more than 75 years.

The Honor System, which trusts students not to cheat, steal or lie in official matters and to report those who do, was one of Dr. Charles E. Diehl’s first—and some say, finest—acts as president of the college. In 1918, when the college was still in Clarksville, Tenn., Dr. Diehl initiated the system which empowers students to govern themselves. “A college, by trusting young people, gives them the best chance of becoming trustworthy,” wrote alumnus Shields McIlwaine ’24 in a tribute to Dr. Diehl at the time of his death in 1964.

The Honor System has had an

uninterrupted history at Rhodes since then, surviving the turbulent ’60s when many institutions dismantled their student-run systems. And while it is not flawless or without its critics—especially in recent months as groups of students debate Honor Code trial procedures—the basic premise of the system still stands. Life at Rhodes is enhanced, the reasoning goes, by a system which requires honesty of those who choose to be a part of the community. And because honesty is required, students are assumed to be honest and capable of policing themselves.

At Rhodes, Honor Code violations encompass a multitude of sins—from cheating on a test to lying in an official matter (lying to a residence assistant or security guard about alcohol consumption is a good example). Despite the wide range of infractions that fall under the Honor Code, only 50 of 125 Rhodes students surveyed this fall by the student government said they had witnessed what might be an honor code violation during all their years at Rhodes. Over the last four and a half years, 11 students per year—well under 1 percent of the student body—have been found guilty of honor code violations and an average of one a year expelled.

To say that the Honor System works at Rhodes doesn’t mean that Honor Code violations are nonexistent. “No place is going to be without any cheating or stealing,” said professor of philosophy Larry Lacy.

Nor does it mean that all observed violations get reported or that the student-run Honor Council performs flawlessly in how it handles cases, though faculty like Prof. Lacy, who

has served on the Appeals Committee and has reviewed various cases first-hand, gives the Honor Council high marks for thoroughness and fairness.

What it does say is that the vast majority of students take the Honor Code seriously. They are committed to making it work. The campus survey about the Honor System done last fall found that 88 percent of the faculty responding and 92 percent of the student respondents said they found the Honor Code somewhat or very effective at Rhodes.

“I’ve never been affiliated with any other institution where an honor code was so clearly in place and so fully utilized,” said Dr. Brian Stuart, assistant professor of mathematics.

Dozens of colleges and universities have some form of honor system on the books. And more institutions are jumping on the honor system bandwagon as the incidence of cheating seems to be rising.

But simply having an honor code doesn’t necessarily mean that people follow it. “The Honor System can only work in a small community where there’s a lot of trust,” said Doug Kilday ’90, head of the Honor Council in 1989-90 and a law clerk today for a federal court judge in Memphis.

A recent study in the *Journal of Higher Education* shows that the tradition of an honor code, not just the existence of one, does, in fact, reduce academic dishonesty. If you compare colleges of similar size, mission and selectivity, the study found, those with a visible honor code tradition tend to have a lower rate of cheating.

The survey went on to say, however, that the ability of a college’s honor

code to uphold academic honesty depended a great deal on students' perception of the system. If they believe their peers are cheating, an honor code isn't going to help.

The perception at Rhodes that the Honor Code does work is one of the strongest things the Honor System has going for it.

Other distinctive features of the Rhodes Honor System are its pervasive influence on all aspects of campus life, its non-adversarial approach to meting out justice and the amount of power it places in the hands of students. An all-student Honor Council can and does expel students who don't abide by its tenets.

"There's a tradition of a strong honor system at Rhodes. It's drummed into freshmen from the time they arrive," said Bill Jordan '92, a former president of the Rhodes Honor

Council who is currently in his second year at Emory University law school in Atlanta.

As early as the application process, students interested in attending must agree to abide by the Honor System. There's a section of the application outlining the Honor System and it requires the student's signature of commitment. Once at Rhodes new students read and hear extensively about the system during orientation and they formally make a pledge to the system by placing their signatures in a massive leather-bound Honor Code book.

Rhodes also expects faculty to abide by the Honor System and states that in its letter of employment to faculty.

The assumption of honesty touches

most corners of a Rhodes student's life. Professors regularly leave the classroom when they give a test. Some even allow their students to take "timed, closed-book" exams wherever—and often whenever—on campus they choose. "Open this envelope and take this test when you're ready to spend the allotted two hours," professors have been known to instruct. No matter whether they're in the classroom, a library carrell or a dorm room, students are on their honor not to

positive. Some criticize the secrecy of the trials and the lack of continuity from one Honor Council to the next. They dispute the way a particular case was handled by the Honor Council or the outcome of a trial. Some feel the Honor Council doesn't do as good a job with plagiarism cases or that the punishments for an infraction are either too harsh or too lenient. Some feel that the popular election of Honor Council members and officers does not always produce the best Council members.



Freshmen Kari Sutton and Mark Cheney sign on to the Rhodes Honor System while Alper Cetingok waits his turn.

photo by Terry Sweeney

"I think there should be some standards that candidates for student organizations must meet, minimum academic standards for instance," said associate professor of philosophy Bob Llewellyn, who worked closely with the Honor Council for 13 years as associate dean of academic affairs. "Possibly an election commission could certify that candidates are qualified for the office they're seeking."

In Panglossian fashion, however, most faculty agree that in the best of all possible worlds—and even in the most imperfect—the Honor System is the best of all possible systems for fostering academic integrity.

"As an undergraduate I had the experience of living under an honor system and then in grad school living without one and observing the effects, both on fellow students and on the instructors," said Dr. Milton Brown, a professor of religious studies who has taught at Rhodes for more than 30 years.

"The contrast hardly needs description. The former encourages authenticity, being accountable for oneself in the context of a true community of others. The latter, while in

crack a book or consult their notes while test-taking.

Outside the classroom, evidence of the Honor System is just as palpable. Students leave their book bags on the lobby floor of the refectory, confident they'll be there when they return. They pass through the cafeteria lines and never need flash a meal card to prove they've paid for their meals.

"The benefits of the Honor System at Rhodes are enormous," said alumnus and future attorney Jordan. "There's a general acceptance that what you say is truthful."

For faculty, the reviews of the system are more mixed, though generally

some sense 'easier', throws the burden of ethical conduct onto an impersonal and external 'police force'—whether professor or hired proctor—and forfeits the opportunity of teaching students what it means to govern and judge themselves by the standards of integrity and mutual trust."

For associate professor of business administration Dee Birnbaum, the Honor System is also liberating to faculty.

"If students want to take exams before the scheduled date, I give them the same exam that other students will take without worrying that they will tell their colleagues what's on the exam," said Birnbaum, who admits to being skeptical about the Honor System when she joined Rhodes in 1991. In three years her skepticism has faded.

"I don't lock up exams," said Birnbaum, "nor do I worry that students can access them on my computer, which the student workers in my office often use when I'm not around. The worst part about the Honor Code for me is that I've become too relaxed about looking after my own personal property.

"The problem is," Birnbaum joked, "I'm afraid that I'm losing that paranoid edge that permits me to survive in other places like New York."

"The Honor System gives students a sense of control over their environment," said Chip Campbell '94, current president of the Honor Council, a 17-member body of men and women representatives from each class. "Students have more at stake in what's going on in the classroom. If one student cheats and the professor happens to grade on a curve, that affects the

others in the class. It's fairer for students to be judged by their peers."

Before it can try a case, the Honor Council must check out whether there's enough evidence for a trial. If there is, a trial proceeds.

A member of the Honor Council—typically the vice president—is appointed as the investigator and is responsible for gathering all the evidence and talking to all material witnesses. Investigations can be extensive. The council has been

"THE TOUGHEST PART ABOUT BEING ON THE HONOR COUNCIL IS THE HEAVY RESPONSIBILITY. YOU HAVE THE POWER TO AFFECT SOMEONE'S LIFE. YOU WANT TO BE ABSOLUTELY SURE YOU'RE DOING THE RIGHT THING BY THAT PERSON."

—AMY CONEY '94,
HONOR COUNCIL VICE PRESIDENT

known to bring in hand-writing analysts to investigate check forgery cases and to scour local libraries tracking down plagiarism source materials.

Unlike the American judicial system, trials occur within a week of a reported violation. Trials are closed: only Honor Council members may attend. Witnesses and the accused give their respective testimonies separately and then leave. Lawyers are not permitted to be present, though the accused can consult with an attorney away from the trial.

A council member is chosen by the accused from the Honor Council membership to act as his or her counselor. The counselor serves as an advocate for the accused, providing him or her with information about the charges and the evidence against him or her prior to the trial. Once the

trial starts, the counselor has the job of questioning witnesses and directing discussion on behalf of the accused. The counselor's job is to make sure the rights of the accused are upheld.

The way the Rhodes system works is not adversarial, according to Honor Council vice president Amy Coney '94. "Everybody (on the council) is supposed to be on the same side and have equal concern for the accused, the Honor Code itself and the community." "Everybody on the council is a

defender and a prosecutor," Prof. Llewellyn concurred. "An adversarial system would challenge the sense of community that this college is based on."

The trials themselves can last from 30 minutes to a full day. Coney recalls one that continued 23 hours. "We broke at 3 a.m., went home and slept for three hours and then came back and deliber-

ated," she said. "(The Honor Council) members can't leave the campus at the end of the semester until all exams have been given and grades are in."

The Honor Council must have three-fourths majority vote of the council to find a student guilty or to expel or suspend him or her. The council can put a student on probation, especially if there are extenuating circumstance or the offense is minor.

In the last four and a half years, 34 of the 50 students found guilty of an Honor Code offense—68 percent—were sentenced to probation. Suspension, for one to three semesters, comes in second as the punishment of choice: 12 students—24 percent of the guilty verdicts in the same time period—resulted in suspension. Permanent expulsion is the most severe penalty the Honor

Council can levy. There have been four students expelled for Honor Code violations in the past four and a half years—eight percent of the total. In addition to probation or suspension, the Honor Council can recommend that a professor fail the student in the course where cheating or plagiarism occurred.

"The toughest part about being on the Honor Council is the heavy responsibility," said Honor Council vice president Coney. "You have the power to affect someone's life. You want to be absolutely sure you're doing the right thing by that person."

Verdicts can be appealed to a committee of faculty. But the committee can only uphold an Honor Council verdict and sentence or recommend that the council rehear the case.

The all-student Rhodes Honor Council has the final say, which is fairly unusual in academe. Washington and Lee University is one of the few which, like Rhodes, gives students the final authority. It even goes so far as to allow verdicts that are appealed to go to open trial on campus with juries selected from the student body at large. There, if a student is found guilty of an honor code violation, the only punishment is expulsion. Davidson College and University of the South, however, allow more room for faculty or administrative intervention. Each has a committee or top administrator that can overturn the decisions of the student honor council.

Rhodes' Honor System states that faculty and students who know of an Honor Code violation have the responsibility either to ask the person to turn himself or herself in or to report the alleged violation to a member of the Honor Council.

According to the current Honor Council president Chip Campbell, students report about 60 percent of the violations that come to the Honor Council each year—10 percent of the total are students turning themselves in. The other 40 percent of the violations reported come from faculty and administrators, he said.

For some students like Robin

"TO BE A
PRINCIPLED PERSON
OFTEN REQUIRES
THAT WE MAKE
DIFFICULT DECISIONS
THAT DON'T FEEL
GOOD TO MAKE,"

—JIM TURNER '95

Thiemann '94, a philosophy and political science major from Orlando, Fla., this requirement of turning in another student is especially disdainful.

"I don't choose to cheat, but if others make that choice, it's their life," said Thiemann. She says she'd probably "go ballistic" with a classmate if she observed him or her pull out a textbook and proceed to cheat during a test. Nonetheless, she opposes the idea of mandating that a student turn in another for cheating if it's observed.

"Each student should have the choice of whether to report a violation," said Thiemann "I'm not comfortable with the idea of turning someone in and then that person

being expelled or suspended. That could affect the rest of his or her life."

It shouldn't be a violation of the Honor Code, Thiemann believes, for a student to observe an infraction and not report it. Even as it stands now, students report violations because those actions are wrong, Thiemann maintains, not because failure to report would be an Honor Code infraction in and of itself.

Other students disagree.

"If the only people responsible for enforcing the Honor Code were faculty and administrators, the system would work on a very superficial basis," said Jim Turner '95, an economics major from Marvell, Ark. The Honor System would fail to teach students to be honorable people, he explained.

"To be a principled person often requires that we make difficult decisions that don't feel good to make," said Turner.

According to Dr. Marsha Walton, a developmental psychologist at Rhodes, the disdain for reporting a violation—"telling on" another student—isn't surprising, given the mixed messages young people receive in our culture.

Parents and teachers expect children to report wrongdoings in some cases, but they also encourage them to handle some things on their own and not to be a tattletale.

"By the time students get to college, they don't have the notion that it's the honorable thing to do to report a violation," said Dr. Walton, a specialist in children's social understanding and communication. Added to this is the issue of personal rights versus the needs of the community. Adolescents especially tend to view behavior and moral choice as a person's personal right. In other words, Walton explained, people have the right to make their own choices, even if they're bad ones. "We as a culture

tend to value individual rights over the needs of the community.”

Given this national culture, it's all the more rare to find initiatives that place the community on an equal par with the individual. But that is essentially what an honor system like Rhodes' does. And educating students to respect the importance of the community is part of the Honor System's function.

The question of individual rights, especially the rights of the accused, is at the heart of recent disagreements among some Honor Council members. A few Honor Council members feel that Rhodes should go to a system that gives more rights to the person accused. They feel the system should do a better job defending the accused.

Trey Hamilton '94, a political science major from Nashville who joined the Honor Council this fall, believes the Rhodes system should act more like our legal system. “The counselor should be more aggressive in defending the accused, arguing in his or her behalf,” said Hamilton. He also thinks the person accused should be able to be present during the trial for all the testimony given against or in his behalf. Rhodes' current system protects the identity of the person who reports a violation and does not provide the opportunity for the accused to know who reported the violation.

There is plenty of opposition on and off the Honor Council to Hamilton's suggestion that trials be more open and more like a real courtroom.

“Our secretiveness is to protect the character of the person accused,” said Honor Council president Campbell '94. “It's not like we wear cloaks and carry torches.”

For acting dean of academic affairs

Mark McMahon, whose office works most closely with the Honor Council, the system in place is best for Rhodes. “There are different ways to get at guilt and innocence,” he said. “There are adversarial proceedings like our legal system in this country. But another approach is for a group of well-intentioned impartial folks to look at the evidence and try to come to some sort



Book bags deposited in the Refectory lobby bear witness to an atmosphere of trust.

photo by Trey Clark

of consensus,” said McMahon. “That's what we do and it's appropriate for a community such as ours.”

The Rhodes Honor System, according to McMahon, “is not adversarial precisely because we hope people who lie, cheat or steal will come to see what they've done, acknowledge it and accept their guilt and return to the community in good standing. For them to do that, it's essential that we not have open hearings.”

The recent debate regarding Honor Council procedures isn't the first the Honor Council has faced. Back in 1948, a major brouhaha erupted when the editor of *The*

Sou'wester, Bill Hatchett '49, wrote a scathing editorial calling the Honor System nothing more than a police system. Students assembled in chapel two days later and reaffirmed their support of the system by a vote of 304 to 166. Both of Memphis' major newspapers covered the controversy.

Questions about the operations of the Honor System have arisen throughout its history and prompted changes to its constitution along the way. In its 75 years the Honor System has become more flexible in the punishments it hands down (previously permanent dismissal was the only sanction for a guilty verdict). It has established more rights for the accused (though some today say not enough). It is doing more than in the past to document its proceedings—everything is taped—because of the litigiousness of our society.

And the administration is trying to do a better job of supporting the Honor Council these days. A member of the academic affairs staff, Katherine Owen Richardson, meets weekly with the Honor Council president to hear concerns and offer help.

The modifications to the system notwithstanding, the essence of the Honor System remains the same in maturity as it did at birth—to develop the moral responsibility of students so that all can live and learn in a community of trust.

“Do we need to do a better job with our Honor System?” Dean McMahon asked rhetorically. “Yes, without question.” Given its imperfections, however, the system is better than any of the alternatives, he believes.

“Our Honor System works as well as the application of any ideal to the real world is likely to work,” said Dean McMahon. “You're dealing with people, and any time you do, perfection is unachievable.” **R**

In the 40 years since the Supreme Court's infamous *Roe v. Wade* decision, over 55 million unborn children have been killed by abortions. We faculty and staff at the University of Notre Dame reaffirm our full support for our University's commitment to the right to life, we renew our call for the unborn to be protected in law and welcomed in life, and we voice our love and support for the mothers who bear them.

Louis Albarran Holy Cross College, Department of Theology	Richard W. Garnett Professor of Law and Associate Dean, Notre Dame Law School	Craig Lent Electrical Engineering	Rev. Peter D. Rocca, CSC Rector, Basilica of the Sacred Heart
Gary A. Anderson Hesburgh Professor of Catholic Theology	Michael O. Garvey Office of Public Relations	Mary Catherine Levri Assistant Director, Liturgical Choir	Robert E. Rodes, Jr. Law School
Ann W. Astell Department of Theology	John F. Gaski Associate Professor of Marketing	John Paul Lichon Campus Ministry	Alex Scheidler Facility Manager, DeBartolo Performing Arts Center
Amy Coney Barrett Professor of Law	Robert M. Gimello Department of Theology	Sharon Loftus Faculty Admin. Asst., Notre Dame Law School	Joseph Scheidler, ND '50 Former Instructor in Communication Arts (1959-1962)
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