

## [News](#)



The dome is seen from the entrance to the campus of the University of Notre Dame, Saturday, Nov. 7, 2020, in South Bend, Ind. (Matt Cashore/Pool Photo via AP)

Giovanna Dell'orto

[View Author Profile](#)

Associated Press

[View Author Profile](#)

## [Join the Conversation](#)

Send your thoughts to *Letters to the Editor*. [Learn more](#)

July 28, 2023

[Share on Bluesky](#)[Share on Facebook](#)[Share on Twitter](#)[Email to a friend](#)[Print](#)

A University of Notre Dame professor has filed a defamation lawsuit against a student-run publication over news coverage of her abortion-rights work. The case is raising questions about press freedom and academic freedom at one of the nation's preeminent Catholic institutions of higher education.

The litigation is unfolding in Indiana – the [first state to enact sweeping abortion restrictions](#) after the [U.S. Supreme Court overturned \*Roe v. Wade\*](#) in June 2022.

Tamara Kay's suit, filed in May in St. Joseph County, alleges falsehoods in two articles published by The Irish Rover in the past academic year. The Rover defended its reporting as true in a motion filed earlier this month to dismiss the case, under a law meant to protect people from frivolous lawsuits over matters of public concern.

Kay, a professor of global affairs and sociology, asks for unspecified punitive damages after she "has been harassed, threatened, and experienced damage to her residential property" and "continues to experience mental anguish" as a result of the two articles.

Published in October 2022 and March 2023 after two public events in which Kay participated, the articles cover her remarks about her support for abortion rights. The lawsuit alleges that the articles "contained false and defamatory information," arguing that they misinterpreted a sign on her door about helping students access healthcare and denying two quotes about academic freedom and her work at a Catholic institution.

"The note on my door referenced sexual assault, and the inadequate resources and support for student survivors at Notre Dame," Kay told The Associated Press via email. "For almost a year, Notre Dame administrators have known — from me directly — that women students were being assaulted with illegal rape drugs, allegedly by male students."

She added that she had asked "Rover faculty advisors — my male colleagues" to retract or correct the story, and that Notre Dame officials refused to intervene on her behalf.

"All of this is utterly devastating," Kay said. "My public writing and public speech, including my social media comments, research and op-eds on abortion as an expert at Notre Dame, are all fair game for reporting and critique, as long as that reporting

is accurate. It has not been."

Notre Dame's Office of Media Relations didn't answer repeated requests for comment from the AP. Neither did Kay's attorney in the lawsuit.

In the motion filed under Indiana's anti-SLAPP (Strategic Lawsuits Against Public Participation) law, the Irish Rover argued that – as an "independent, non-profit, student publication 'devoted to preserving the Catholic identity of Notre Dame'" – its coverage of a Notre Dame professor's public statements and actions about abortion qualify under the law's public interest and free speech criteria.

The motion added that the stories were "at least substantially true" and "did not contain defamatory imputation." Exhibits include a transcript of the March event and since-deleted tweets by Kay last fall referring Notre Dame colleagues to websites with information on where to find abortion providers and how to procure abortion pills.

That "targeted advocacy" right when [the Indiana abortion ban](#) first went briefly into effect motivated Notre Dame student W. Joseph DeReuil, 21, to seek comments from Kay and write the news story, he told the AP.

DeReuil, the Rover's editor-in-chief during the last academic year, said he is a practicing Catholic and believes [the Church's teaching that life starts at conception](#) and thus abortion is intentional killing.

"I do wish at times that, I guess, Notre Dame would take, as an institution, a stronger stance in favor of the Catholic position on some of these issues," he said.

He added that he condemned harassment of abortion rights advocates and specifically the threats mentioned in the lawsuit by Kay.

## Advertisement

DeReuil said he was confident his reporting was factually correct and hoped the suit would be dismissed, instead of consuming his senior year.

"You'll face pushback, but you can still be a normal, cheerful, happy student, and still do your schoolwork, and it's not going to affect you negatively in the long term if you're standing up for what you believe is true," he said.

The Rover's attorney, James Bopp, Jr., said lawsuits like this can create a chilling effect.

"If we fail, it will send the message that if you speak out about the abortion issue, then you risk punishment through the legal system, and particularly if you speak out on the pro-life side," said Bopp, who has worked on major national cases [on behalf of anti-abortion](#) and free speech causes. "It will stifle national debate."

While the church's position on abortion is unwavering, not all Catholics agree with it. Some oppose it based on their sense of Catholic teachings about individual conscience or social justice, said professor Samira Mehta, an expert on gender and religion at the University of Colorado.

It's rare to have faculty sue students for libel over an issue broaching "diametrically opposed worldviews," said Jonathan Gaston-Falk, an attorney with the Student Press Law Center. The organization defends press freedom rights for high school and college journalists and their advisors; it is not involved in this litigation.

"Libel can be boiled down to a false statement of fact that harms somebody's reputation" - and is published with knowledge of that falsity and malice if the person is a public figure, Gaston-Falk added.

According to Indiana law, courts have six months to rule on an anti-SLAPP motion.