

June 17, 2004

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Most Rev. Roger J. Foys, D.D. - Personal
Bishop of Covington
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Dear Bishop Foys:

We would like to bring to your attention the most recent serious travesty in the Diocese, the presentation at the Catholic St. Charles Lodge Apartments by a Catholic lawyer, who directly contradicted the very recent teachings of the Holy Father on the fundamental principles governing end of life decisions.

Enclosed herewith is a copy of the typed transcript of the tape of Mr. Robert Ruberg's misrepresentations made on June 9, together with a copy of the address of Pope John Paul II on life-sustaining treatments given on March 20, 2004. You can see the obviousness of the errors propagated by Mr. Ruberg.

Mr. Ruberg engaged in the usual derogatory rhetoric "persistent vegetative state," condemned by the Holy Father as dehumanizing, rather than using the proper medical diagnosis, "persistent comatose state." He also specifically denied the Holy Father's express and unambiguous teaching that the providing of food and water is not medical care but indeed is human care, and is obligatory, including to patients in a comatose state.

Mr. Ruberg insisted: "But he [the Pope] did not say that you cannot discontinue nutrition and hydration. ...There is no duty, however, to provide unending artificial nutrition and hydration for a permanently unconscious patient."

His statements could not be more directly contrary to those definitive moral statements made by Pope John Paul II two months ago. First, the Holy Father condemned the non-medical and dehumanizing phrase used by Mr. Ruberg, and indeed extensively by the pro-death community, "persistent vegetative state": "A man, even if seriously ill or disabled in the exercise of his highest functions, is and always will be a man, and he will never become a 'vegetable.' ..."

Pope John Paul II went on to state that a person in a persistent comatose state "awaiting recovery or a natural end, still has the right to basic healthcare (nutrition, hydration, cleanliness, warmth, etc.)..."

The Pope described: "...the administration of water and food, even when provided by artificial means,

always represents a *natural means* of preserving life, not a *medical act*. Its use, furthermore, should be considered, in principle, *ordinary and proportionate*, and as such morally obligatory...” (emphasis supplied by the Pope).

He specifically condemned the “quality of life” considerations, contrary to Mr. Ruberg’s erroneous assertions.

Unambiguously, the Pope asserted: “...it is necessary to promote the *taking of positive actions* as a stand against pressures to withdraw hydration and nutrition as a way to put an end to the lives of these patients.”

Finally, the Holy Father totally rejected any “evaluation of costs” as a relevant factor in this moral issue.

The real tragedy is that a person representing himself as a Catholic lawyer was permitted in a Catholic facility to so directly contradict the unambiguous moral teachings of our Pope on such a crucial issue, to such a vulnerable audience. We must comment upon Mr Ruberg’s insult to Right to Life, as he was losing this debate on the merits: “I wouldn’t consult with Right to Life, I think they’re political.” Indeed, Northern Kentucky Right to Life Political Action Committee has taken positions in informing the public as to pro-abortion politicians, and has endorsed Pro-Life politicians. Unfortunately, Mr. Ruberg has a record of supporting the election of pro-abortionists, thereby actively making a contribution to keeping in place the killing machine. He supported our pro-abortion Governor John Y. Brown, Jr., who, during his campaign made a commitment that he would not sign any Pro-Life legislation, and after he was elected, with Mr. Ruberg’s assistance, he kept that commitment, and refused to sign Pro-Life legislation which we had passed through the General Assembly that year. Mr Ruberg has also supported the open pro-abortionist lawyer from Boone County, Asa Rouse (D), over Pro-Life activist Gex Williams (R), and other pro-abortionists, to his undying shame.

This erroneous teaching on end of life care has been consistently and publicly advocated by Mr. Ruberg, and by Fr. Ronald Ketteler, and by your Diocesan attorney Mr. Gerald Benzinger, at a presentation at St. Elizabeth Hospital on March 4, 1991 (see enclosed letter), and at a seminar at Thomas More College on October 16, 2002.

The errors are unfortunately contained also in the Catholic Conference of Kentucky publication, *Kentucky’s Advance Healthcare Directive Law, a Catholic Perspective* (Fall of 2002), which incorporates with approval a form “Living Will Directive and Healthcare Surrogate Designation” which authorizes the morally impermissible option that the patient may reject “life-prolonging treatment” and may “authorize the withholding or withdrawal of artificially provided food, water, or other artificially provided nourishment or fluids.” This is, of course, the designer death formula spelled out in the Kentucky statute, and unfortunately, is being distributed by the St. Elizabeth Hospital to unwary and vulnerable senior citizens.

We request that you immediately and definitively reject these misleading teachings which are clearly in violation of the magisterium of the Roman Catholic Church. We request that you direct St. Elizabeth Hospital, St. Charles, and all other Catholic facilities in your Diocese to withdraw them and replace them indeed with teachings compatible with the unambiguous pronouncements of the Holy Father, and that you direct your Catholic facilities to discontinue permission of speakers who are not in communion with the Catholic Church. It is also urgent that the issue be raised with the Kentucky Catholic Conference, and that it publicly withdraw its previous erroneous teachings from the public forum and replace them with appropriate definitive expressions of true Catholic doctrine in these respects.

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The urgency of this issue is obviously beyond overstating. We stand ready to assist you in any way possible, and offer our services in these connections.

Further explication of the issues are made in Mr. Cetrulo's book, *That Reminds Me of a Story...Reflections of a Pro-Life Warrior*, which he sent to you several months ago, together with appropriate forms for your reflection. We suggest that this matter, just as all of the other matters contained in the Statement of Catholic Principles which we offered and suggested to you many months ago, be studied by you, and that you advise us if in fact there are any errors contained in those documents. If not, they are obviously in need of prompt implementation, and promulgation, to the Diocesan Pro-Life Commission (which has still not returned our request for a meeting, several months ago, as suggested by you, many months earlier), the St. Elizabeth Hospital, the Catholic nursing homes, Thomas More College, and indeed all of the Catholic facilities under your responsibility.

Respectfully,

For the Northern Kentucky Right To Life Board of Directors,
by its Executive Committee

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Enclosures

cc:
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