

September 23, 2004

620 Washington Street
Covington, KY 41011-2314
(859) 491-6200
491-6201 Fax

Most Rev. Roger J. Foys, D.D. - Personal
Bishop of Covington
422 Wallace Avenue
Covington, KY 41014

Dear Bishop Foys:

We trust that you have now read the *Messenger's* outrageous misrepresentation of the recent Kentucky Supreme Court euthanasia case, properly described in the Dissenting Opinion by Northern Kentucky's Justice, Donald Wintersheimer, as "shameful." We are enclosing herewith a Guest Editorial, which we have authored on behalf of Northern Kentucky Right to Life. One of the authors, Mr. Cetrulo, was counsel on the Amicus Curiae Brief before the Supreme Court and present at the Oral Arguments.

The outrageous "spin" of the story in the *Messenger* misrepresents the facts, as well as distorts Catholic teaching. It is a disservice and a deception to the faithful, and needs a response.

We would be remiss in our duties as faithful Catholic laity if we did not point out to you other tragic and non-understandable aberrations and deviations from clearly defined Catholic dogma which have likewise occurred on your watch:

1. We must note that last year, the *Messenger's* editor published an equally outrageous misrepresentation of the Terri Schiavo euthanasia case in Florida. Fitzgerald stated: "Artificial nutrition and hydration do not reverse or improve the underlying condition, nor can it restore the patient to health. Since a feeding tube can be considered 'extraordinary' or disproportionate, then such medical assistance can be withdrawn, according to the principle of benefit and burden." We transmitted a proposed Guest Editorial column at that time, to the editor, and to you, pointing out the crucial deficiencies, both from the standpoint of Catholic doctrine as well as simple facts, and requested that our article be published. It was not, nor were we even given the courtesy of response to that November 12, 2003 transmittal, or to our letter to you of January 26 of this year, regarding the same matter.

Mr. Fitzgerald's erroneous teaching that food and water can be extraordinary means and withheld from an unconscious patient, has been specifically rejected by the Holy Father in March of this year. However, the readership of the *Messenger* has not been so informed by the Bishop, or the Pro-Life Commission, or the *Messenger*. NKRTL's attempts to publish the teachings of the Church have not been accepted.

2. In November of 2002, we pointed out to you with documentary evidence at a personal meeting, as well as in subsequent correspondence, the fact that the Executive Director of your Diocesan Pro-Life Commission, Karen Riegler, publicly endorsed in the secular newspaper, two days before the election, the most prominent pro-abortion elected official in the county, Kenton County Commissioner Barbara Black. She was our prime opponent as we sought to de-fund at the local health board Title X, which of course furnishes condoms and abortifacient chemicals indiscriminately to youngsters, without even notice to their parents. Riegler called Black “very pro-life.” That scandal stands unrefuted in the public eye, now almost two years later, and Karen Riegler, incredibly, remains in this very sensitive position for the diocese.
3. Two recently named members of the Diocesan Pro-Life Commission include Paige Ellerman of Newport and Robert Hoffer of Covington, both of whom publicly supported in last year’s gubernatorial campaign the stridently pro-abortion candidate, Ben Chandler. We likewise called this aberration and public scandal to your attention, and nothing has been done about it.
4. On June 9, 2004, attorney Robert E. Ruberg was invited to give a talk on end of life issues at the St. Charles Lodge Apartments, operated by the Sisters of Notre Dame. NKRTL President Robert C. Cetrulo attended, and taped the remarks, and engaged in an exchange with Mr. Ruberg in front of the audience. Mr. Ruberg defended the standard Living Will, developed by the Kentucky General Assembly, which authorizes the withdrawal of food and water from comatose patients, who are not in the dying process. Mr. Cetrulo pointed out that Pope John Paul II, less than three months earlier, had just issued a definitive and unambiguous Papal pronouncement that it is dehumanizing to call patients in a comatose state “persistent vegetative state” (the phrase used by Mr. Ruberg), since human beings are never vegetables.

Mr. Ruberg insisted that “the Pope did not say that you cannot discontinue nutrition and hydration.”

In fact, that statement is directly contrary to the specific and unambiguous statements of **the Pope in his Address on Life-Sustaining Treatments, given on March 20, 2004**: “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.’...” The Pope 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.). ...” To reinforce the clarity of his message, Pope John Paul II stated: “...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)

This tragic seduction by misinformation of a Catholic population, on Catholic premises, by a lawyer who claims the Catholic faith, is further tragic evidence of the precise type of thing legislated against historically in most dioceses, and most recently by the **U.S. Conference of Catholic Bishops** in June of 2004. This most recent outrage has likewise been called to your attention by letter of June 16, 2004, with a copy of the transcript of Mr. Ruberg’s remarks which were shown to be in direct contradiction of the Holy Father’s teaching.

It should be noted that Mr. Ruberg was a member of the school board of Notre Dame Academy at the time that the pro-abortionist Cincinnati Mayor Roxanne Qualls addressed the graduating class of NDA.

Mr. Ruberg has also publicly endorsed pro-abortion candidates for public office as well.

Again, to our knowledge, nothing has been done.

5. Several members of NKRTL have been actively involved in an effort with the Gospel of Life-Respect Life Committee of the Covington Diocesan Synod, in an effort to have them clarify Catholic teaching, from their earlier homogenized drafts which equate the moral issues of abortion, euthanasia, contraception, same sex marriage, assisted suicide, human experimentation with the prudential issues of capital punishment, war, economy, and environment. We have pointed out to them documentary evidence from the Bible, the *Catholic Catechism*, the Council of Trent, St. Thomas Aquinas, *Evangelium Vitae*, etc., that those issues in the first category are defined as “intrinsically evil,” always wrong under every circumstance, as opposed to those issues in the second group which are issues upon which reasonable Catholic consciences may differ as to the approach.

Stan Barczak, Dr. Jim Noll, and Joe Oka have been meeting fierce resistance by the majority of that committee to adopting this requested clarification. In order that you can get a true flavor as to the depth and breadth of the heterodoxy of your appointees to that committee, we enclose herewith a recent exchange of emails wherein one of the members of the committee, Jo Ann Schwartz, asserts: “Members of the media and indeed a few of our own religious leaders do a great disservice to our church and nation when they attempt to use one or another issue as the benchmark for Catholic identity. To characterize a whole content of our faith in a single issue is inappropriate and unjust.”

She further remarked, “I think the foremost consideration of life is not EV (*Evangelium Vitae*) or the Catechism, but the command of God: Thou shalt not kill. There are no qualifiers to this statement. Killing is to be opposed in all forms.” Here, Ms. Schwartz’s position is indistinguishable from Protestantism, as it very clearly rejects the authority of the teaching magisterium of the Catholic Church.

It also specifically contradicts the specific teaching of Pope John Paul II in *Exhortation on the Role of the Laity in the World*: “*The common outcry which is justly made on behalf of human rights, for example the right to health, to home, to work, to family, to culture, is false and illusory if the right to life, the most basic and fundamental right and the condition of all other personal rights, is not defended with maximum determination.*”

6. The control in this diocese by the “seamless garment” group is made clear in the “Faithful Citizenship Series,” being promoted on the Covington Diocesan Justice and Peace website calendar (enclosed) and posted in all the churches. In Mother of God Church, for example, they took down the Helpers of God’s Precious Infants monthly Mass calendar, and replaced it with this Faithful Citizenship Series poster, advertising three programs at the Catholic Center with Ed Monahan and Fr. Patrick Delahanty, who have been strong advocates against capital punishment (but never previously involved in the Right to Life movement in more than 30 years), and Glenmary priest Fr. John Rausch, whose recent article in the *Messenger* demonstrates his homogenizing beliefs. The last speaker is a nun who represents the Justice and Peace Commission of the Covington Diocese.

Notably absent, of course, is any speaker on behalf of the true, core Right to Life issues, designated as essential and uncompromisable, in the *Catholic Catechism*, *Evangelium Vitae*, etc. We are strongly

Most Rev. Roger J. Foys, D.D.

September 23, 2004

Page 4

suspicious that the orthodox view, represented by the September 17, 2004 Editorial in the *Wall Street Journal* by Archbishop John J. Myers of Newark, New Jersey, demonstrating the hierarchical priority of abortion and embryo destruction research as “disproportionate evils. ...the gravest human rights abuses of our domestic politics...” will be denied to the faithful of your diocese.

The cosmetic confusion presented by Fr. Wehage at the Pro-Life Day of Reflection on August 7 followed the party line of the USCCB’s “Faithful Citizenship.” But Fred Summe stood and raised a question to the guest speaker, Teresa Tomea, of Catholic Answers, pointing out that its publication (*Voter’s Guide for Serious Catholics*) demonstrated that there are five non-negotiable issues in this upcoming election: abortion, euthanasia, fetal stem cell research, human cloning, and homosexual “marriage,” and that no candidate should be supported if he fails on any one of those, independent of the other so-called social issues. Tomea agreed. Again, however, this information is being screened from the faithful of the Covington diocese.

We presented to you more than a year ago a detailed and documented Statement of Catholic Principles, which we indicated that we thought were accurate, based upon our research, and requested to be advised by you if there were any inaccuracies. We have not heard from you, although we have written you about it subsequently. The principles articulated in that document would obviously go a long way towards stopping the kind of heretical actions described above. It should be obvious by now that the reinstatement into this diocese of true Catholic principles can only be achieved with the replacement of these persistent and obdurate dissident persons who continue to occupy leadership positions in your administration.

We urge you to publish a statement of fundamental Catholic principles, and direct that they be followed by these crucial agencies under your jurisdiction, including the Pro-Life Commission, the Catholic hospital, the Catholic newspaper, etc.

We believe applicable here the teaching of St. Augustine: “In essentials, unity; in accidentals, diversity; in all things, charity.”

From the documentation we have furnished to you, it is apparent that the failure of charity has not been on our part. It is likewise clear to you, as a Shepherd of the Church, that we are not dealing here with “accidentals.” If there is to be disunity in the very hierarchical offices of the diocese, on essentials such as discussed above, then there is a fatal failure of Catholicism in the diocese.

When we first met with you and gave you these lengthy documentations, you indicated that you had studied them, and that you were in agreement with us, that the action over the past many years of NKRTL had indeed been “heroic,” that we were correct that there were serious errors going on in the diocese, and you agreed that they had to be stopped. Your meetings with us have been cordial, and your words warm and supporting, and indeed affirming of everything that we have said at our meetings with you – but these abuses have not been corrected, and indeed continue.

In fidelity to the admonition of Ezechiel regarding all of us being “watchmen on the wall,” we are discharging our responsibility by again pointing out to you these tragic and crucial deviations from clear Catholic teaching, practiced by officials under your jurisdiction.

Most Rev. Roger J. Foys, D.D.
September 23, 2004
Page 5

Respectfully,

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

ROBERT C. CETRULO, J.D.
President, NKRTL
620 Washington Street
Covington, KY 41011
(859) 491-6200

FRED H. SUMME, J.D.
Vice President, NKRTL
4 West Fourth Street
Newport, KY 41071
(859) 431-6111

ARTHUR M. KUNATH, M.D.
Board Member, NKRTL
Chairman, St. Francis Assisi
Chapter, Catholics United
For the Faith
106 Bivouac
Ft. Thomas, KY 41071
(859) 781-8010

Enclosures

cc:
NKRTL Board of Directors
Fr. Daniel Saner
Fr. Paul Berschied
Hon. Donald C. Wintersheimer