

October 20, 2004

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In re: The Pro-Euthanasia Position Espoused by the Catholic Conference of Kentucky

Your Excellencies:

Your attention is called to a most disturbing scandal committed in the name of the Catholic Conference of Kentucky, i.e., the article by Joseph Duerr in the *Catholic News Service*, reprinted in *The Messenger*, the Covington diocesan newspaper, on September 17, 2004. The Catholic Conference of Kentucky approved and applauded a decision of the Kentucky Supreme Court (*Commonwealth v. Woods*) which authorized a guardian's killing of a retarded man, in this case by starvation and dehydration.

One of the authors of this letter, Mr. Cetrulo, was counsel on the Amicus Curiae Brief in this case and was present at the Oral Arguments, and thus, can affirm the outrageous inaccuracies of the spin/story in *The Messenger*, which misrepresents the facts, as well as distorts Catholic teaching. This article is a disservice and a deception to the faithful, and needs a response.

In a shocking opinion rendered on August 26 (in a case that was argued before the Court three and a half years earlier, on January 19, 2001), five of the justices of the **Kentucky Supreme Court** decided: (1) that comatose people are better off dead; (2) that someone else can decide to starve another to death; and (3) that food and water constitute "medical care"!

Background

The pro-death community began its “wedge” movement into euthanasia with the concept of “death with dignity.” Then it urged self-determination in advance by “living wills,” which were really “designed death” formulas under which the individual was induced to believe that he will be kept alive, at all costs, forever, by every artificial means possible, at great expense and suffering, and that he should therefore declare in advance that he does not wish to be furnished “extraordinary care”.

After living wills were approved by statute in Kentucky some years ago, the death community was back two years later (as had been predicted by Pro-Lifers) to amend the statute to authorize the withdrawal of food and water. Now food and water can legally be withdrawn from a patient who is not even dying, but is just unconscious, and the decision to do so can be made by others.

Based on this, Pro-Lifers began to conclude the necessity for Pro-Life living wills, called by **Pro-Life Law Professor Charles Rice at Notre Dame University** as “please don’t kill me wills.” These medical directives spell out life protections, including that food and water shall not be withdrawn and that the patient should be given all medical care appropriate to his condition. (See **Robert C. Cetrulo’s** book, *That Reminds Me of a Story... Reflections of a Pro-Life Warrior*, Chapter 6, “Euthanasia: Hell’s Last Sacrament,” and the Pro-Life living will documents contained in the Appendix to the book).

The Kentucky Supreme Court has now tragically taken the horrendous, but logically predictable, next step down into this culture of death, initiated and made inescapable by the tragic abortion decision of the **U.S. Supreme Court** in *Roe v. Wade* (1973) which established the devastating standard for protection of life – only when it is “meaningful.”

Current Assault on Life

The most recent victim of legalized killing is **Matthew Woods**, a 63-year-old black man who had been retarded since birth, had the intellectual capacity of an 8 to 10 year old child according to the medical evidence, and had been adjudicated many years earlier as incompetent.

Woods was not in the dying process, nor suffering pain, nor had he ever executed a document indicating a wish for the termination of any kind of medical care. Less than a month after he suffered his heart attack, his guardian, the State of Kentucky, sought to terminate his medical care and his life-sustaining food and water.

The majority of the Kentucky Supreme Court disingenuously ignored those uncontradicted facts, and concluded that Matthew was covered by the Kentucky Living Will Statute (even though he was incontestably incompetent to execute such a document by earlier judicial determination) and that therefore his guardian (in this instance the State of Kentucky) could make the decision to terminate not only medical treatment, but also food and water, after he had sustained cardiopulmonary arrest during a severe asthma attack.

Morally Obligatory Human Care

Even more startling was the fact that the Court ipsidixit equated food and water with “medical care” — even though it is obviously human care, not medical care. This crucial fact was glossed over in the Duerr article, but was specifically a crucial part of the Kentucky Supreme Court Opinion. The Opinion is specifically contrary to the formal teaching of the Roman Catholic Church, again reiterated by our Holy Father in his Address on Life-Sustaining Treatments (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)

A persuasive and courageous defense of the proper Pro-Life position was set forth in the Dissenting Opinion by **Justice Donald Wintersheimer** of Covington, Kentucky. Wintersheimer stated:

“It is deeply disappointing that this Court would decide to allow an agency of this State to end the life of a totally innocent ward of that very same State. It is even more shameful to realize that this State would seek to terminate the innocent human life of a person entrusted to its care and protection. Equally disturbing is the role of the hospital [St. Joseph Hospital of Lexington, Kentucky] and the ethics committee charged with the care and comfort of the patient inactively participating in this deplorable situation.”

Justice Wintersheimer went on to point out that a decision of this very Court 11 years earlier in *DeGrella* had indicated that the patient’s constitutional right to life could not be abrogated by someone else making a “substituted judgment” for the so-called best interests of an unconscious patient (many of whom of course do in fact recover).

Tragic But Unavoidable Conclusions

Any objective reading of this decision leads to the following inescapable conclusions:

- ◆ For all of its pious platitudes, the Court authorizes euthanasia. The *DeGrella* decision had rejected the subjective “substituted judgment” test, which has now been adopted by this successor Court, as the next step down this slippery slope. (In the concurring pro-abortion Opinion by **Chief Justice Warren Burger**, in the 1973 U.S. Supreme Court decision of *Roe v. Wade*, he attempted, as Pontius Pilate did, to wash the innocent blood from his hands by asserting: “Plainly, today the court does not approve abortion on demand.” Forty-five million body count later, we know that Justice Burger was naive at best or deceptive at worst. In *Woods*, the Kentucky Supreme Court attempts to do the same.)
- ◆ The Court has held that people who are unconscious are better off dead.
- ◆ The Court has incredibly ruled that a guardian, who is appointed to serve the best interests of his ward, can authorize the killing of the ward, by starvation and dehydration.
- ◆ Those who hold Judeo-Christian principles have suffered a major defeat in these ongoing truly titanic life-and-death struggles – not just for old or sick people, or for unborn children and their parents, or for physicians and other providers of medical care – but for the very survival of any society that wishes to claim the title “civilized.”

Catholic Scandal

This abominable ruling has already been propagated in the local Catholic press as having been “welcomed”

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by the Catholic Conference of Kentucky, as set forth in a statement issued by Fr. Patrick Delahanty, Conference Associate Director.

The first question obviously is whether or not this was an official action of the Catholic Bishops of Kentucky, or an unauthorized statement of its bureaucracy.

Obviously, every Catholic shepherd, who is in union with the Holy Father, is charged with the mandatory responsibility of faithfully preserving and communicating, carefully and effectively, the entire deposit of the Faith. Equally obviously, this decision violates The Faith. The present state of the record is that the Catholic Bishops of Kentucky have approved this apostasy. This must be corrected – publicly, effectively, and immediately.

The scandal has already reached international proportions, as represented in the ZENIT news agency report of 9/3/04, reporting that the World Federation of Catholic Medical Associations has lamented the Kentucky Supreme Court decision “which granted legal authority to the state over the life of one of its citizens.”

The undersigned, as Catholic members of the legal and medical professions, and faithful members of the Catholic laity, also have a moral obligation to publicly address this pro-euthanasia decision of the Kentucky Supreme Court, and to publicly challenge those who support it:

“Christ’s faithful...have the right, indeed at times the duty, in keeping with their knowledge, competence and position, to manifest to the sacred Pastors [bishops, cardinals, popes] their views on matters that concern the good of the Church. They have the right also make their views known to others of Christ’s faithful. ...” Canon Law, Section 212

We pray and encourage your prompt, clear, and definitive recall of this current and ongoing scandal to the Catholic faithful, published in the Catholic press, and attributed to you. We request your public condemnation of this immoral and anti-life decision of the Kentucky Supreme Court.

Respectfully,

On behalf of the NKRTL Board of Directors
by its Executive Committee,

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cc: Northern Kentucky Right to Life Board of Directors

Enclosures:

Pope John Paul II address of March 20, 2004
The Messenger article of September 17, 2004