

March 4, 2005

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All Catholic Priests in Kentucky

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

Dear Fathers:

Your attention is called to a most disturbing scandal committed in the name of the Catholic Conference of Kentucky, i.e.: (1) the article by Joseph Duerr in the *Catholic News Service*, reprinted in *The Messenger*, the Covington diocesan newspaper, on September 17, 2004, and most likely published in the other Kentucky diocesan newspapers; and (2) the public release of August 26, 2004, "Catholic Conference Welcomes Kentucky Court Decision Regarding End of Life Decisions," published on its website and issued by Fr. Patrick Delahanty, Associate Director. These sources reported that the Catholic Conference of Kentucky approved and applauded a decision of the Kentucky Supreme Court in *Woods v. Commonwealth*, Ky. 142 SW3d 24 - 8/26/04. That court decision authorized a guardian's killing of his ward by starvation and dehydration.

In the Catholic Conference of Kentucky's public release of August 26, 2004, it states:

"The Court's ruling also requires that clear and convincing evidence be the standard for proving that a patient is permanently unconscious or in a persistent vegetative state, or that death is imminent, and that it would be in the best interest of the patient to withhold or withdraw life-prolonging treatment."

In *Woods v. Commonwealth*, the Kentucky Supreme Court's term, "life-prolonging medical treatment," is defined by the Court to mean: "This life-prolonging medical treatment includes medication and artificially or technologically supplied respiration, nutrition or hydration."

In a 5-2 decision, the justices of the **Kentucky Supreme Court** decided: (1) that comatose people are better off dead; (2) that a court-appointed guardian can authorize the withdrawal of food and hydration from his ward in order to starve the ward to death; and (3) that food and water constitute "medical care."

As further explained below, the Kentucky Supreme Court has expanded the effects of the pro-euthanasia Living Will Statute, which already legalized the withdrawal of food and hydration, to now include the withdrawal of food and hydration from a comatose patient who had not even executed a living will.

In light of the present Living Will Statute and in light of this most recent decision of the Kentucky Supreme Court, your advice as pastors will be sought even more by those questioning whether they should authorize the withdrawal of food and hydration from patients.

The purpose of this letter is to review the clear teaching of the official Magisterium of the Catholic Church, as set forth in the *Catechism of the Catholic Church*, and in Papal pronouncements.

Teachings of Pope John Paul II

Although enclosed in its entirety is “**Life-Sustaining Treatments and Vegetative State: Scientific Advances and Ethical Dilemmas,**” **March 20, 2004, Address of Pope John Paul II** to the participants in the International Congress, your attention is directed specifically to the following sections:

“I should like particularly to underline how 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...

“The obligation to provide the ‘normal care due to the sick in such cases’ includes, in fact, the use of nutrition and hydration.

“The evaluation of probabilities, founded on waning hopes for recovery when the vegetative state is prolonged beyond a year, cannot ethically justify the cessation or interruption of *minimal care* for the patient, including nutrition and hydration. Death by starvation or dehydration is, in fact, the only possible outcome as a result of their withdrawal. In this sense it ends up becoming, if done knowingly and willingly, true and proper euthanasia by omission.

“...such an act is always ‘a *serious violation of the law of God*,’ since it is the deliberate and morally unacceptable killing of a human person.

“However, it is not enough to reaffirm the general principle according to which the value of a man’s life cannot be made subordinate to any judgment of its quality expressed by other men; 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.” (Italics are those of the Pope.)

Kentucky Supreme Court’s Decision

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 “designer 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 successfully two years later (as had been predicted by Pro-Lifers) amended 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.

The Victim

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 suffered a cardiopulmonary arrest, resulting in him being “in a state of permanent unconsciousness,” according to the Majority Opinion of the Kentucky Supreme Court.

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.

During the lengthy pendency of this case, Mr. Woods died of natural causes, one year after his guardian (State of Kentucky) had commenced an action to obtain court approval of its decision to withdraw Mr. Woods’ nutrition and hydration.

The Decision of the Court

The Dissenting Opinion, prepared by **Justice Donald L. Wintersheimer**, a faithful Catholic from Northern Kentucky, exposes the immorality of this pro-euthanasia decision of the court. Justice Wintersheimer states:

“The State attempted to present evidence that providing life-sustaining measures to Woods denied him a ‘meaningful life,’ was ‘inhumane,’ ‘futile,’ ‘not in his best interest,’ and ‘abusive.’ Such beliefs amount to a personal subjective judgment by state bureaucrats about the quality of life of the ward. The State should not be allowed to determine the quality of life question.”

The Majority Opinion referred to the intention of the guardian as the withdrawal of “life-prolonging medical treatment” or “life-sustaining medical treatment,” which the majority asserted included “medication and artificially or technologically supplied respiration, nutrition or hydration.” To this Justice Wintersheimer responded:

“The terms we are using to describe the true actions are masking reality: removing food, water and air from a living person is an atrocity. Change the words to ‘removing life-prolonging treatment from a person who is permanently unconscious’ and it all sounds nice and easy to swallow. Care must be taken then to prohibit the language of our standard from masking atrocity.

“An overbroad standard that by its loose language includes food, water, and air under the label of ‘medical treatment’ will permit the withdrawal of these basic necessities by the guise of ‘removing life-prolonging medical treatment.’ Nowhere else is the restriction of food, water, or air permitted by the State from a person under its care, including prisoners, which are to be furnished with food at least ‘sufficient to sustain normal health.’”

In his Conclusion, Justice Wintersheimer exposes the majority's approval of euthanasia:

“It has been said that no person or court can substitute its judgment as to what is an acceptable quality of life for another person.

“The right to life is a natural right... It does not rise through the exercise of any personal surrogate or governmental choice. It is bestowed on man by his Creator.

“...because how can it be in the patient's best interests to die? There is a great potential for serious conflict of interest for the State when it is paying the medical bill for the treatment of its ward.

“The assertion by the majority that it is not approving euthanasia or assisted suicide is hollow. It would certainly appear that the majority has now taken the next step down the slippery slope away from the sanctity of all innocent human life and toward the secular value of meaningful life introduced in *Roe v. Wade*.

“We cannot close our eyes to the destruction of innocent life at any stage of development or any impaired condition of existence. To do so degrades our own culture and all of us.”

Catholic Scandal

This abominable ruling has already been propagated in the local Catholic press as having been “welcomed” by the Catholic Conference of Kentucky.

On two occasions we wrote Bishop Foys concerning this scandal, and in his brief responses, he failed to address the issue and declined to confer with us.

A letter, and accompanying documentation, was sent to all four Kentucky bishops, to which none of the four bishops has responded.

A response was received from Edward C. Monahan, Executive Director of the Catholic Conference of Kentucky, an attorney who has retired from the Kentucky Department of Public Advocacy, again defending the support and praise of the Catholic Conference of Kentucky for this Kentucky Supreme Court decision.

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 obvious, this decision violates The Faith. The present contrary state of the record 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 to make their views known to others of Christ’s faithful. ...” Canon Law, Section 212

We pray and encourage that you will express your request that a prompt, clear, and definitive recall of this current and ongoing scandal to the Catholic faithful, published in the Catholic press, be forthcoming from the Catholic Conference of Kentucky. We also 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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Enclosure: Pope John Paul II address of March 20, 2004

cc:

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