

NKRTL

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NKRTL'S DOCUMENTED REPUDIATION OF ITS CONDEMNATION BY NON-SPECIFIC GENERALIZATIONS PUBLISHED BY THE CATHOLIC DIOCESE OF COVINGTON

After he granted an interview last October to the secular press, the newspapers reported that Covington Bishop Roger J. Foys had barred Northern Kentucky Right to Life from any activities in the churches of this Diocese, and that in his monthly letter to Priests he had ordered them to exclude NKRTL and its materials from the churches, giving as his reasons:

(1) that "there is often confusion among people regarding their [NKRTL's] status, (2) that when he first came to the Diocese he had "several meetings with NKRTL leadership in an attempt to reconcile them with the Diocese...futile," (3) that "there are many good people involved in NKRTL who are being misled," and (4) that he disapproves "of the tactics of some of the leadership of NKRTL."

This 11-line paragraph written by him to the Priests states only generalities and fails to set forth any specific facts on which these "reasons" were based. It fails to cite any examples of how people are being misled or what unacceptable tactics are being used. Nor has he ever given NKRTL personal notification of these instructions of his to the Priests, contrary to Christian charity and Biblical teaching (Matthew 18:15), which requires personal notice of a grievance before publication.

Accordingly, NKRTL was compelled to purchase a public ad in the secular press detailing NKRTL's specific concerns and requests communicated to Bishop Foys privately and respectfully, in two meetings

and 20 letters, over a four-year period, with no response from

him to any of the specific concerns and requests identified, including our private letter to him of 11/17/06 respectfully requesting specifics of his recent generalized condemnation of NKRTL (which stands likewise unanswered).

The History of NKRTL's Specific Concerns and Requests Communicated to Bishop Foys Privately and Respectfully, In Two Meetings and 20 Letters, Over a Four-Year Period, With No Response from Him to Any of the Specific Concerns and Requests Identified

The reader's attention is prayerfully invited to that ad contained inside this newsletter, and to NKRTL's website, where the exact documents involved can be reviewed.

The ad, and the referenced correspondence, specifically document multiple and serious deviations by the Catholic Diocese of Covington from clear Catholic dogma and traditional Pro-Life principles in multiple respects, including: end-of-life documents distributed at St. Elizabeth Hospital which authorize the withdrawal of food and water from non-terminal patients, the Bishop's published support of a pro-euthanasia judicial decision, the distribution of abortifacient pills at St. Elizabeth Hospital with the published approval of the Bishop, promotion of pro-abortion speakers on Church premises, and promotion of pro-abortion candidates by the Covington Diocesan Pro-Life Commission Director and through the official Diocesan newspaper, etc.

NKRTL's ad (which synthesizes the specifics contained in its 11/17/06 letter to Bishop Foys) does not deal in anonymous accusations or gossamer generalizations, but rather specifies real names, real dates, and real occurrences. The back-up data is contained in specific letters NKRTL sent to Bishop Foys over a four-year period, and are available to be read on our website, www.nkrtl.org.

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We encourage our readers to support NKRTL, an independent voice for orthodoxy and truth, by:
(1) making tax-deductible contributions to NKRTL Educational Fund, P.O. Box 1202, Covington, KY 41012, to defray the cost of the expensive ad incurred in defense of Truth, and (2) challenging the Diocese of Covington to join the defense of traditional Pro-Life principles, and clear Catholic dogma.

See NKRTL's public ad, *infra*.

KENTUCKY SUPREME COURT JUSTICE DONALD C. WINTERSHEIMER RETIRES FROM THE BENCH

Kentucky Supreme Court Justice Donald C. Wintersheimer of Covington, Kentucky, a lawyer in the mold of **Saint Thomas More**, resigned last month from the Kentucky Supreme Court, where he had served for 24 years. Right to Life lost a powerful, consistent, and courageous voice in that important arena.

Photo of
Justice
Wintersheimer

The secular media wrote a lengthy and appropriate exposition of this public servant's multiple qualities and achievements — but naturally ignored the major contributions he made to the most crucial issue of our times, the sanctity of all innocent human life. Justice Wintersheimer's vote, and published opinions, on the Kentucky Supreme Court, constituted a clear (and frequently lonely) voice for moral sanity on these crucial issues. While his published opinions were often "dissenting" opinions, he used well his position which afforded him the opportunity, if not always to persuade, at least to record for posterity a clear beacon for moral light. History reflects that minority or dissenting opinions do in fact furnish the legal foundation for later adoption of sound moral legal edifices.

We will set forth herein for the reader some brief quotes from some of Wintersheimer's published opinions:

(1) In the case of *Hollis v. Commonwealth* (1983), the Court reversed the Judgment of a lower court which had convicted of homicide a defendant who had forced his hand into the birth canal of his wife to kill their unborn child. The Majority Opinion engaged in semantic gymnastics to deny the legal culpability of the murderer, which posture was appropriately and effectively excoriated by Justice Wintersheimer's Dissenting Opinion:

"Stripped of its rhetoric, this matter is simply a brutal murder committed on an innocent, defenseless victim. It is directly connected to a savage criminal assault on the mother and on the child...it is hypertechnical judicial hairsplitting to abstractly theorize on the meaning of 'person,' 'human being,' or 'being born alive.' It is semantical sophistry of the worst order to deny the equal protection of the criminal law to an unborn living human being."

Justice Wintersheimer's Dissenting Opinion then proceeded to teach, by elucidating a long and rich history in American jurisprudence showing that the unborn child had long been considered a person within the meaning of the law, the regressive and hypocritical opinion of the U.S. Supreme Court in *Roe v. Wade* to the contrary notwithstanding.

Wintersheimer's Dissenting Opinion became the law

when the majority of the Court in 2004 reversed the tragic *Hollis* decision, holding that a viable unborn child is a "person" within the meaning of the Kentucky homicide law, and that someone causing its death can be prosecuted for homicide.

(2) Justice Wintersheimer was successful in attracting a majority of his colleagues on the Supreme Court for the Pro-Life position in the case of *Schork v. Huber* (1983), which involved the efforts of the pro-death community to hold financially responsible a physician who had performed an unsuccessful sterilization procedure, resulting in the subsequent birth of a child:

"Our analysis indicates that the majority of decisions have concluded that parents who give birth to a normal healthy child are not entitled to their costs of raising the child from the physician. Wrongful life is a contradiction in terms. It is contrary to the public policy of this State as expressed by the legislature and interpreted by the courts."

(3) The Supreme Court in 1986 upheld the practice of surrogate parenting. The Court held that the practice of locating women who, for a price, allow themselves to be used as human incubators and sell all of their parental rights in a child thus born do not violate the Kentucky Revised Statutes which prohibit the "sale or purchase of any child for the purpose of adoption or any other purpose, including termination of parental rights."

Wintersheimer's Dissenting Opinion again cut through the semantic gymnastics to the core of the true issue:

"In my view, the people of the Commonwealth of Kentucky have not abdicated their sovereignty to a self-appointed group of scientists-kings. The tolerance of the many can easily lead to the tyranny of a few. The attractiveness of assistance to childless couples should not be a cosmetic facade for unnecessary tampering with human procreation. Animals are reproduced; human beings are procreated."

(4) Wintersheimer dissented from the Majority Opinion in *Commonwealth v. Welch* (1993), which held that the criminal child abuse statute did not apply to a woman's abuse of controlled substances during her pregnancy, as the unborn child is not a "person" within the meaning used in the statute, they argued. Wintersheimer again detailed for the edification of the public, if not for his colleagues on the Court, the rich legal history showing that all human beings are "persons," and trenchantly concluded:

"It is with great sadness and disappointment that I am forced to conclude that in Kentucky the majesty of the law is unable or unwilling to protect innocent unborn children from harm caused by the conduct of another human being."

(5) The Kentucky Supreme Court continued its tragic descent down the slippery slope from natural law protection of all fundamental human rights to the pragmatic and secular

humanist philosophy of legal positivism, in the case of *Commonwealth v. Morris* (2004), which approved the state-sponsored withdrawal of food and water from a retarded comatose patient who was not in the dying process and had never expressed such a wish.

Wintersheimer's Dissenting Opinion unhesitatingly pointed the finger of guilt at his colleagues, and indeed medical society, which countenanced this blatant homicide:

"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 the 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, KY] and the ethics committee charged with the care and comfort of the patient in actively participating in this deplorable situation."

The pro-euthanasia decision of the majority of this Kentucky Court was condemned by the **World Federation of Catholic Medical Associations**, but, incredibly, the Opinion was "applauded" by the four Catholic Bishops of Kentucky, Kelly of Louisville, Foys of Covington, Gainor of Lexington, and MacRaith of Owensboro, as reported in the 9/17/04 editorial of *The Messenger*, the official newspaper of the Catholic Diocese of Covington, which likewise praised the Majority Opinion.

Salutation to Justice Wintersheimer

A Celebration in honor of the distinguished career of Justice Donald Wintersheimer was given by his family. In attendance were many judges, lawyers, and high elected officials. There was a table containing memorabilia of many milestones of Justice Wintersheimer's life, including his high school and college yearbooks, photos and awards, etc. At the center of that table was a personal scrapbook of his containing his most valued memorabilia. Significantly, it was laid open, for all to see, to a centerfold page which displayed a letter of NKRTL's endorsement of Justice Wintersheimer in his first Supreme Court judicial race, describing his longtime membership in NKRTL and his long history of proud and public profession of the principle of the sanctity of all innocent human life.

Our salutation to Justice Wintersheimer, in retirement, is the prayer of the patron saint of lawyers, Thomas More: "Pray for me, as I will for thee, that we may meet in Heaven, merrily."

Lawyer's Prayer

Give me the Grace Good Lord, to set the world at naught, to set my mind fast upon Thee and not to hang upon the blast of men's mouths. To be content to be solitary, Not to long for worldly company but utterly to cast off the world and rid my mind of the business thereof.

*Saint Thomas More,
Patron Saint of Lawyers*

Picture of
Thomas
More

"DEATH WITHOUT DIGNITY: STARVATION AND DEHYDRATION"

An article entitled "Death Without Dignity: Starvation and Dehydration," defending the clear teaching of **Pope John Paul II** that "...the administration of water and food, even when provided by artificial means, always represents a natural means of preserving life, not a medical act, ...and is morally obligatory...", has just been published in *Homiletic & Pastoral Review*, a widely known theological national publication, edited by the renowned Jesuit priest, **Kenneth Baker, S.J.**

Co-authors of the article, **NKRTL President Robert C. Cetrulo, J.D., St. Luke Hospital Ethics Committee Chairman Theodore H. Miller, M.D., Ph.D., and Covington Diocesan priest Phillip W. DeVous, M.Div.**, noted: "It is horrific enough that this ethic ["meaningful life"] has affected jurisprudence in our land, but to see the ethic given theological justification by representatives of the Church is almost too much to bear."

ANOTHER ADVOCATE BEFORE THE THRONE OF GOD: BILL GRADY

In your charity, please remember in prayer **William J. Grady**, a faithful, persistent, and courageous Pro-Life warrior who died on January 11. Bill didn't keep his Pro-Life views in the closet, but displayed them whenever asked — and even if he wasn't asked — as a parent, city counselor, friend, or acquaintance. He exemplified that much-needed but often lacking virtue of selfless courage, and he'll be missed.

Faithful to the end of his life on earth, Bill's last wish was to request memorials to his favorite charity, NKRTL. We can be assured that we now have another advocate before the throne of God petitioning for the restoration of the sanctity of all innocent human life.

AUTHENTIC CHRISTIANITY SUPPORTS THE RIGHT TO LIFE

Authentically Catholic Books, operated by **Steve DiCarlo** for many years at 6th and Washington in Covington, has moved and reopened as **Our Catholic Store** at 1838 Florence Pike, Burlington, Kentucky, 41005 (859-727-6279) (two miles off of I-75).

The store has long been a source of orthodox religious and Pro-Life materials, and makes a donation of a percentage of every purchase to the charity of the purchaser's designation (NKRTL, we suggest).

“AM I MY BROTHER’S KEEPER?” GEN. 4:9

Planned Parenthood has unwittingly demonstrated the tragic **spiritual blindness of insensitivity** which unfortunately dominates the killing industry by its public display of a banner recently hung on the front facade of its killing center on Auburn Avenue in Cincinnati, Ohio, depicting the picture of an attractive young woman with the text reading:

“I am taking care of myself.”

They are apparently oblivious, by reason of their myopic self-centeredness, of the telling nature of this public declaration, which enshrines **the trinity of the pro-death movement: “Me, Myself, and I”!**

A Youth Challenge for 2007

The exact antithesis of the “me generation” is exemplified on Saturday mornings on Auburn Avenue in Cincinnati, Ohio.

What do you do on Saturday mornings? Are you willing to stand up for life, for God, for your faith? Are you willing to speak for those who do not yet have voices for themselves and represent those youth of your age who never got a chance to live? Be a public witness to the sacredness of human life from conception until natural death. Be at the forefront of what you know in your heart to be right.

Join other youth on the 1st Saturday of every month beginning February 3, 2007, at the Helpers of God’s Precious Infants prayer vigils for life. **The opening vigil on February 3** starts with an 8:00 a.m. Mass celebrated by **Cincinnati Archbishop Daniel Pilarczyk** at Holy Name Catholic Church and then leads into a Rosary procession of fifteen decades, prayed on the sidewalk in front of the PPH abortion facility nearby before returning to the church for Benediction. In past years, the vigils have been on the 2nd, 3rd, and 4th Saturdays of each month. 2007 will be the first year that the 1st Saturday vigils are included, with these vigils being specifically *for* the youth and sponsored *by* the youth — although all are encouraged to attend.

Students from St. Henry High School, Erlanger, Kentucky