

November 17, 2006

Most Rev. Roger J. Foys, D.D. - Personal
Bishop of Covington
Diocese of Covington
P.O. Box 15550
Covington, KY 41015

Dear Bishop Foys:

The secular press reports that you have barred Northern Kentucky Right to Life from any activities in the churches of this Diocese, and that in your monthly letter to priests you have ordered them to exclude us and our materials from the churches, giving as your reasons: (1) that “there is often confusion among people regarding their [NKRTL’s] status, (2) that when you first came to the Diocese you 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 you disapprove “of the tactics of some of the leadership of NKRTL.”

This 11-line paragraph written 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.

To date, you have never notified us of your instructions about NKRTL to the priests.

On Thursday, October 19, the above was brought to our attention by the *Kentucky Enquirer* reporter, to whom you granted a personal interview the night before, after the Diocesan Pro-Life Mass, at which our organization in fact was present on specific invitation of the Diocese.

Christian charity, and Biblical teaching (Matthew 18:15), requires that one having a grievance with another must first privately inform the other person with specifics, suggesting corrections.

Our files are replete with multiple items of correspondence indicating that we followed that mandate on multiple occasions, and on each occasion furnished you specific concerns of ours and made requests for specific actions. You have never given us any specific objections to those specific requests of ours, nor have you ever followed through on any of those specific requests, nor advised us in any respects how we were in error, although we made multiple specific requests of you to so advise us if in fact we were in error. Our files reflect 20 specific letters to you, from August of 2002 until July of 2006. There were no substantive responses to any of them.

To refute the inaccurate generalisms made by yourself and your spokesman, Timothy Fitzgerald, to the press, and the adverse implications asserted nonspecifically by you and him against “some of the leadership of NKRTL,” please be advised that all of those actions are indeed shared responsibility, voluntarily undertaken, by the entirety of the Board of Directors of NKRTL, which Board has, by a specific unanimous vote, approved this letter to you.

We shall refer to some of the more important of these letters, by specific synopsis of their content, so that there can be detailed specifics regarding our positions and concerns.

Our **August 7, 2002**, welcoming letter described the efforts and history of Northern Kentucky Right to Life (founded more than 30 years earlier by Bishop Richard Ackerman, who called NKRTL's activities "Covington's finest hour"), and transmitted newspaper ads, videotapes, and publications documenting our goals, principles, and activities, and showed the breadth and depth of NKRTL's support. This letter was signed by 12 active priests in the Diocese (including your Vicar General), and multiple doctors, lawyers, public officeholders, and community leaders, and attested to their membership in, and support for, NKRTL.

Our **November 11, 2002**, 11-page letter to you, signed by our Executive Committee and two active priests of the Diocese, factually documented specific and detailed egregious conduct carried out by official agencies of the Diocese for the past quarter century, including the Diocesan Pro-Life Commission (PLC), St. Elizabeth Hospital, and two of your immediate predecessors, showing: (1) abortions conducted at St. Elizabeth Hospital; (2) pro-abortion Catholic physicians on the Health Board voting contrary to the teachings of the Church and sitting simultaneously on the PLC; (3) the Executive Director of the PLC publicly supported a pro-abortion politician); (4) pro-abortion speakers sponsored on Catholic premises in the Diocese, etc.. The letter made specific requests regarding future policy, pastoral letters, and instructions to Catholic officeholders as to their duties. Our three-member Executive Committee, and the two priests, requested and received a personal meeting with you.

At our first meeting with you in November, 2002, you patiently listened to our review of that massive documentation, following which you stated that you had reviewed the materials, that they were self-proving, that the conduct of NKRTL over the past quarter of a century could be denominated as nothing less than "heroic," that you understood that there was much in need of correction in this Diocese, and that it would be corrected by you.

At no time did you attempt to defend any of those actions which we documented for you, as taken by your two immediate predecessors, by the Catholic hospital, the Catholic physicians, or the members of the PLC, etc.

On **January 15, 2003**, we sent you a copy of the letter which we had written to the Catholic Men's Fellowship of Cincinnati, complaining of their invitation of a pro-abortion politician to speak at their March 29, 2003, *Answer the Call Conference*, in Cincinnati, at which you were scheduled to participate. We called this to your attention again at the March 6 meeting, and furnished you the Internet printout of the pro-abortion record of the speaker in question, former Oklahoma governor Frank Keating. We pointed out the position of many bishops who refuse to appear in public forum with such persons, for fear of giving scandal to the faithful, which policy was the policy of many Catholic dioceses in the country, as well as the longstanding policy of the Knights of Columbus. You did in fact attend the function, and made no public disclaimer.

You made no answer to our concerns.

We requested, and received, a second meeting with you on **March 6, 2003**, and documented the urgency of some of our previously-expressed concerns, in a letter to you of **February 27, 2003**. In that letter we documented for you the specific political pragmatic considerations and the scandalous Catholic theologic situations regarding the ongoing fight by NKRTL at the Northern Kentucky Independent District Health Department Board level, wherein we were the sole organization opposing the public policy of distribution through that public agency of abortifacient drugs and materials to underage children without even the knowledge, much less consent, of their parents. We pointed out the pro-abort votes of appointees of the Catholic Kenton County judge, and of the Catholic mayor of Covington, whose appointee was a member of Holy Cross Parish and served as Eucharistic Minister there, etc. We also pointed out that the leader of our opposition on the Health Board was Kenton County Commissioner

Barbara Black, whose reelection campaign two days before the November 2002 election was publicly endorsed by Karen Riegler, in her official capacity as “Coordinator of the Pro-Life Commission of the Diocese of Covington.” We enclosed also our six-page letter of May 21, 2002, to the then-Chairman Elect of the PLC, describing the lengthy and unsuccessful efforts of NKRTL to enlist the PLC’s cooperation in recalling those various scandals, which letter, as with all of our previous correspondence to the Commission, went unanswered.

We also enclosed documentation of our correspondence to the editor in chief of your Diocesan newspaper, the *Messenger*, wherein we had complained of his rejection of our ads furnishing the voting records of pro-abortion candidates, which candidates were allowed to run ads in the *Messenger* calling themselves “pro-life.” We pointed out that you were shocked when we called this to your attention at our November meeting, and we enclose this letter to document our assertions, and to call to your attention that these policies unfortunately continue with the current administration of the *Messenger*.

We enclosed also a proposed *Statement of Principles*, which we believed to be in conformity with the teachings of the Catholic Church and suggested that such a Statement be presented to the *Messenger*, St. Elizabeth Hospital staff, officers, and board, the Covington Diocesan Family Life Ministry, the PLC, and all the agencies under your jurisdiction for acceptance and compliance.

At the end of lengthy documentation, we concluded with six specific requests for your consideration:

- (1) A clear public statement from you about the intrinsic evil of contraception as proclaimed by the Church for the last 2,000 years;
- (2) A clear public statement by the PLC which would state that contraception and abortion are intrinsically evil, and that the Catholic Church condemns all abortion, whether surgical or chemical;
- (3) Full and frequent treatment of those issues in the *Messenger*, by the Bishop, so that the laity can be informed and energized;
- (4) A private meeting with Catholic politicians, so that they will understand their moral duties as always taught by the Church, and recently restated in the *Doctrinal Note on Some Questions Regarding the Participation of Catholics in Political Life*;
- (5) Appropriate public teachings, to Catholic doctors, and all staff personnel at the Catholic St. Elizabeth Hospital, regarding these doctrinal issues;
- (6) A Statement of Principles as to Pro-Life issues, which all persons who hold positions of authority in any Diocesan agency would be expected to sign, to demonstrate their faith and in obedience to the teaching of Christ, as proclaimed by the Church.

We concluded with a prayer “for your urgent and decisive actions in these respects, and assure you of our unflagging prayer, and public activism in defense of these principles.”

We received no response to our letter of February 27, or to any of its specific requests.

At the **meeting of March 6**, we presented to you a detailed Statement of Catholic Principles, on all of the core life issues, which Statement was documented with papal citations, *Catholic Catechism* citations, etc., and requested that you review it and advise us if there was any error contained in that Statement. You accepted them for review.

Our letter of **March 12, 2003**, made reference to that *Statement of Catholic Principles* again and pointed out that we were working on a one-page outline and would forward it to you for your reflection in conjunction with the more detailed Statement, **“which we presented for your consideration, and for our instruction.”** We urged that it would be important that persons in active and influential positions in policymaking Catholic agencies be willing to declare their active and total assent to the teaching mind of the Church.

In that same **March 12 letter**, we transmitted to you a copy of the document by your colleague, Peoria Bishop John J. Myers, *The Obligations of Catholics and the Rights of Unborn Children*, and we again pointed out that many people in powerful positions in the professions and in public office and in Diocesan agencies in Covington were blatantly and scandalously violating Catholic doctrine, and delivered to you at the same time a letter from the Covington Diocesan Family Ministry Office confirming the performance of abortions at St. Elizabeth Hospital, which letter defended that position.

We have received no response from you.

On **March 21, 2003**, we transmitted to you an abbreviated *Statement of Catholic Principles* and requested that you consider having this presented to the PLC for signature by each member, and then disseminated further to all Diocesan agencies and staff for acceptance.

Again, we never heard from you in regard to that request, or that the principles needed to be modified or contained error.

We wrote you on **April 16, 2003**, following up on our March meeting with you. **You had posed the question at that meeting as to specifically what we wished you to do, and we responded again with specificity:**

(1) That you advise us with respect to the Statement of Catholic Principles document which we had furnished you, whether we have properly stated the position of the Catholic Church, and if we have, that you consider issuing such a complete and comprehensive statement under your signature for publication in the *Messenger*, released to the public press, and distributed to all the directors of all the agencies of the Diocese, officers and board of directors at St. Elizabeth Hospital, director and all members of the PLC, editor and staff of the *Messenger*, director and staff of the Family Life Ministry, etc., and request these people to sign off on those principles, indicating their internal and external and unreserved assent.

(2) That you give effective recall to the monumental scandal, which we acquainted you with at our last two meetings, of the Executive Director of the PLC having been quoted in the secular press as supporting a pro-abortion activist for public office and stating the electorate should pay no attention to the endorsements of NKRTL-PAC.

(3) That the statement of the Family Life Ministry, i.e., that the Catholic Church does not oppose abortion in all instances, be publicly corrected.

(4) That you promulgate an unequivocal policy prohibiting the honoring on Catholic premises or at a Catholic event a speaker or guest who has a known record of contradicting the Church’s teaching that abortion is always morally unacceptable.

(5) That you address the point we raised that you had just named as head of the Diocesan fund-raising efforts an attorney with the law firm that represents the Diocese, which attorney has a long history of active support for pro-abortion candidates, whom we identified.

(6) That the Diocese take prompt public action in light of the ongoing and finalizing dispute at the Health Board, which was reaching a critical stage.

Again, we heard nothing from you, either confirming our requests, or denying them, or offering correction to the proposed teachings, or the requested actions.

Our **June 2, 2003**, letter again explained the critical posture of the dispute going on with the Health Board, and the pro-abortion appointments made to the Board by local Catholic officeholders, and urging you to take action. We again referred to the Statement of Catholic Principles and stated that we had not heard from you as to whether you affirm those principles as drafted, and requested, "If you have any suggestions or corrections, they would be appreciated."

Again, no response was received from you.

We wrote to you on **July 30, 2003**, thanking you for your acceptance of our invitation to offer the Benediction at NKRTL's 30th Annual Celebration of Life for Sunday, October 12.

You wrote us on **August 18, 2003**, explaining that you were unable to be present at the 30th Annual Celebration of Life, but had authorized your Vicar General to bring your message. You sent us a check for your dues (as a member of NKRTL) and provided a statement which you authorized us to use in our ad in the *Messenger* commending NKRTL for its 32-year efforts and encouraging people to attend our Annual Celebration of Life.

Our **September 3, 2003**, letter responded to your request that we work cooperatively with the PLC. We indicated perfect willingness to cooperate with any agencies that fully followed Catholic principles. We again requested your adoption of appropriate Catholic Principles for all agencies, including the PLC, and humbly submitted: "**If there is an error in our effort to articulate these Catholic principles, we would earnestly petition you, as our teacher, to so inform us. If they are correct, then we petition you to inform the Pro-Life Commission.**"

Yet again, you made no response.

On **June 17, 2004**, we wrote you, pointing out the specific active euthanasia advocacy of a Catholic lawyer at the Catholic St. Charles Lodge Apartments, wherein he taught that food and water are not required to be given, specifically contrary to the teaching of Pope John Paul II, and contrary to the specific teaching of the Covington Diocesan Synod (August 13, 2006). We furnished you a verbatim transcript of the tape of that meeting and requested that you definitively reject these misleading teachings and that you direct St. Elizabeth Hospital, St. Charles, and other Catholic facilities in the Diocese to withdraw these end of life documents which are being distributed at St. Elizabeth Hospital and have been advocated by your Diocesan theologian, Fr. Ronald Ketteler. We also advised you that we had had no response from our letter, several months earlier, to the PLC, seeking a meeting with them to discuss cooperative efforts, as you had recommended.

Again, we have not received a response, or correction.

Our **September 23, 2004**, letter called to your attention an article in the *Messenger*, which distorted Catholic teaching and approved a recent decision of the Kentucky Supreme Court which had authorized the withdrawal of food and water from a patient who was not dying. In this editorial, Mr. Fitzgerald also approved the withdrawal of food and water for non-dying patients. We transmitted a proposed guest editorial to the editor and to you, pointing out those crucial deficiencies and departures from Catholic doctrine, and requested that our article (co-authored by

Dr. Kunath, Mr. Summe, and Mr. Cetrulo) be published. It was not.

Again we received no response from you approving or disapproving our position, or approving or disapproving the article in the *Messenger* which had contradicted the Pope, or approving or disapproving the pro-euthanasia talk given at St. Charles.

In that same letter we complained to you about two recently named members of the PLC, both of whom had publicly supported the pro-abortion gubernatorial candidate Ben Chandler in the last election cycle. We again requested your response to our previous requests concerning the issuance of a statement by you covering fundamental Catholic principles, to be directed to the Diocesan agencies, including the PLC, the Catholic hospital, the *Messenger*, etc.

Your five-line response of **September 25, 2004**, acknowledged our letter and expressed “regret that I have not lived up to your expectations and even more deeply regret that you have chosen to put yourselves in an adversarial position with your bishop” – without specifically addressing any of the multiple, specific, repeated, and documented deviations from Catholic doctrine carried on in this Diocese since your accession as Bishop.

When we received no response from you concerning this euthanasia issue, we wrote to you and the three other bishops of Kentucky who constitute the Catholic Conference of Kentucky, furnishing the same documentation, and requesting the correction of the public statement issued by the Catholic Conference of Kentucky (CCK) “applauding” the pro-euthanasia decision of the Kentucky Supreme Court. This court decision had been dissented from by the Northern Kentucky representative on the Kentucky Supreme Court, Justice Donald C. Wintersheimer (a longtime member of NKRTL), who had appropriately condemned the majority opinion, and in fact had written to you complaining that his dissenting opinion had received no coverage in the *Messenger*.

The response we received from CCK’s Executive Director, who is an attorney, failed to address our argument, or Catholic citations, but merely cited the “great complexity” concerning “the sacredness of human life...no easy answers...”

On **April 8, 2005**, after being approached by several doctors, we wrote to you and the other three bishops of the CCK, having just learned that the Ethics Committee of St. Elizabeth Hospital had approved a policy for the administration of the abortifacient, denominated as “emergency contraception,” in Catholic hospitals. The hospital cited as authority for that position the Guidelines of the Catholic Conference of Kentucky (November 2004). We addressed the merits of that issue, medically, legally, and theologically, in a six-page letter containing specific cited authorities that such actions by the hospital will result in newly-conceived children being chemically aborted. This is the identical drug that CCK had just opposed for public distribution, because “the primary function of the drug is abortifacient.” (CCK’s description).

No response was received.

Our **October 6, 2005**, letter pointed out that there was a repeat program scheduled by the pro-euthanasia attorney for the St. Charles Lodge Apartments, which we had complained to you about earlier.

No response was received.

Our **July 27, 2006**, letter advised you of the public scandal of a pro-abortion speaker, Nick Clooney, being invited at the Mother of God Church. An advertisement of his talk was carried in the Cathedral bulletin, as well as in the *Messenger*. The U.S. Conference of Catholic Bishops, on June 18, 2004, had adopted a policy that NKRTL had been advocating for years, and which had long been in place by the Knights of Columbus and by many dioceses, prohibiting such a travesty, for the reason that it obviously gives credibility and acceptability to those who publicly

oppose Catholic moral teachings and confuses the faithful as to the severity of the issue of abortion. We requested that you enforce this policy. The appearance of this pro-abortion speaker at Mother of God Church also violated the same exclusionary policy adopted by the Covington Diocesan Synod on August 13, 2006.

Clooney, on ICN Channel 6 on December 13, 2003, stated: “Philosophically I am opposed to abortion, except in the cases where there is a threat to the woman’s life, and of course in the case of rape and incest.” In the November 26, 2003, *Kentucky Enquirer* he stated he was “against abortion except in cases where the mother is in danger.”

Your sole response was to acknowledge receipt of the letter, making no comment again as to the substantive merits of the issue.

Most recently, on **October 30, 2006**, we were advised by the Advertising Manager for the *Messenger*, that the paid political ad of NKRTL-PAC, carrying its endorsements of candidates, had just been rejected by the *Messenger*, for the first time in 25 years, at your specific direction, although again, no reason was furnished. It is tragic that the *Messenger* thus serves as a conduit for deception of the faithful since it has accepted ads from candidates for public office who call themselves “pro-life,” contrary to the record, and NKRTL-PAC is precluded, by your order, from furnishing its endorsements to the voting Catholic population.

A couple of prominent examples of this deception of the faithful is the ad of Campbell County Judge Steve Pendery, which was allowed to run in the *Messenger* claiming him to be “pro-life,” even though he was one of the prominent pro-abortion leaders at the Health District Board fight, wherein NKRTL was the sole organization publicly opposing the distribution of abortifacient drugs to youngsters with taxpayers’ money and without even notification to their parents. Pendery even voted against the ‘abstinence education’ which we promoted.

Another example is Michelle Keller, whose ad claimed as her credentials her past services as Chairperson of the Covington Diocesan Childrens Home. The voters were misled in that we were precluded from pointing out to them that in fact Keller had resigned from that position, with a public protest in the secular media, condemning your predecessor, Bishop Robert Muench, because of his cancellation of a pro-abortion speaker (Kentucky Governor Paul Patton) at a scheduled dinner of the Diocesan Childrens Home Board (to say nothing also of her long record of public and financial support to pro-abortion politicians, thereby contributing directly of course to the maintaining in place of the killing machine).

It must be noted that all of our communications with you have been respectful of your office, and of you individually. You have never, on any occasion, specifically pointed out to us any error in the positions we have taken regarding substantive Catholic doctrine.

Now you chastise us, publicly, by giving an interview to the secular press, without even bringing to our attention your complaints, and indeed refusing to make your complaints specific. The character and reputation of many of us have been attacked individually, specifically in some cases, and by clear implication in others. More importantly, great harm has been done to the integrity and credibility of NKRTL, which everyone understands has been the backbone of the pro-life movement in Northern Kentucky, and indeed in the state, for 35 years. Those unfounded accusations and misleading implications must be corrected.

We now shall repeat, in synoptic form, the multiple questions, requests, and petitions for guidance which we have submitted to you in your official capacity as Bishop of the Diocese of Covington, with its official duties to “sanctify, teach, and govern,” according to the *Catholic Catechism*. These questions, requests, and petitions for guidance have been repeated by us to you specifically, in two meetings, and 20 letters, over a four-year period of time, and not one of them has ever been answered by you:

- (1) Why do you retain, and indeed appoint, in your administration people whose actions have directly advanced the cause of the killing of the most innocent member of the human family, the unborn child?
- (2) Why do you “applaud” the Kentucky Supreme Court decision affirming the starvation and dehydration of a comatose patient who was not in the dying process, which decision was directly contrary to the formal teaching of the Catholic Church as set forth by Pope John Paul II?
- (3) Why do you permit the distribution at the St. Elizabeth Catholic hospital of end of life documents, which authorize the withdrawal of food and water to non-dying patients, again specifically contrary to the formal teaching of Pope John Paul II?
- (4) Why do you permit the distribution at Catholic hospitals of the abortifacient drug, mis-denominated “emergency contraception,” which same drug you condemned for public distribution in legislation proposed in the Kentucky legislature?
- (5) Why have you refused to publish a Statement of Catholic Principles on these priority issues, as some of your brother bishops have done, and to teach these principles in the Diocesan newspaper and to compel their compliance in the various agencies under your jurisdiction in this Diocese, including the Catholic hospital, the PLC, etc.?
- (6) Why do you condemn us, by non-specific generalizations, of “misleading,” without furnishing the specifics necessary to support such a charge?
- (7) Why do you refuse to respond specifically to the specific questions which we have put to you on multiple occasions, politely, privately, and persistently in two meetings and 20 letters over a four-year period?

If there is anything contrary to this record we have presented, something we have overlooked in the way of specific writings or correspondence, we ask you to please furnish it to us. It is Northern Kentucky Right to Life’s fervent desire to work out an amicable solution to these issues, if possible.

Respectfully,

**Northern Kentucky Right To Life Board of Directors,
by specific unanimous vote of its Board of Directors**

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cc: NKRTL Board of Directors