



AP/Wide World Photos
NOT BANNED IN BOSTON — Members of the Boston media tour the Institute of Contemporary Art July 31 during a preview of the institute's exhibit of photographs by the late Robert Mapplethorpe. Anti-pornography groups and religious entities — including *The Pilot* newspaper of the Archdiocese of Boston — opposed the exhibit, which opened Aug. 1. Legal challenges as well as protests and counter-protests were predicted.

New York health-proxy law wins approval of bishops, ethicists

By David Scott
 Catholic News Service

ALBANY — A health-care proxy bill recently signed into law by New York Gov. Mario Cuomo has gained the acceptance of ethicists and the state's Catholic bishops.

The law permits competent adults to appoint proxies who would be charged with making health care decisions on their behalf should they become too ill to make such decisions for themselves.

"In good conscience, I do not see how a good Catholic can fail to fill out such a document," Georgetown University medical ethics professor Robert Veatch told *The Evangelist*, Albany's diocesan newspaper.

The New York statute is the first signed into law since the U.S. Supreme Court's June decision forbidding the removal of nutrition and hydration from Nancy Beth Cruzan of Missouri. The court said that since Cruzan's wishes regarding her medical care were never put in writing, family members could not make treatment decisions based on Cruzan's spoken wishes.

The New York bishops worked with drafters of the law to ensure that it did not promote living wills or use language that could be construed as endorsing a person's right to die.

"This is not a right-to-die bill," said J. Alan Davitt, executive director of the New York State Catholic Conference.

Father Russell Smith, director of education for the Pope John XXIII Medical-Moral Research and Education Center in Braintree, Mass., told *The Evangelist* that a distinction exists between a living will and a proxy-consent document.

Catholic theologians and bishops have opposed living wills on the grounds that they can lead to a person declining "ordinary means" of treatment, Father Smith said.

He gave the example of a young person who suffers a heart attack. Emergency rescue teams routinely insert a respiration tube to ensure that the person does not stop breathing before they can get the heart pumping again.

But if that person's living will specifies that a respirator should not be hooked up in the event of a life-threatening emergency, paramedics would not be allowed to use that ordinary measure to save the person's life.

"In that instance," Father Smith said, the person has declined "something that could have gotten him over a critical moment and put him on track for another 25 or 30 years, or the rest of his or her natural life."

A health proxy is morally acceptable, Father Smith added, because Catholic teaching has consistently affirmed the person's "right of self-determination with informed consent."

Under the law, a competent adult can select a family member or other person to serve as a proxy, who will make decisions only in the event that a doctor judges the patient to be incapable.

Artificially administered food and water cannot be ordered withdrawn by the proxy unless the patient, while still competent, clearly stated that wish.

If the person's wishes are not known, the proxy is to act in the patient's "best interests," the law says. A proxy's decisions, it adds, should be "in accordance with the principal's wishes, including the principal's religious and moral beliefs."

"Everyone who stands within a religious tradition and who has views on these matters ought to make sure those wishes are recorded," Veatch said.

"To fail to do so is not only to leave your family in an extremely vulnerable position, but also to leave yourself vulnerable to strangers and the courts," he said.

Evidence against Fr. Ritter would have forced firing

By Tracy Early
 Catholic News Service

NEW YORK — An investigation of Covenant House has found that the organization was sound but that evidence of sexual misconduct against its founder, Franciscan Father Bruce Ritter, would have forced his firing had he not resigned. The investigation had been commissioned by Covenant House's directors.

The report cited extensive "cumulative evidence" dating back over 20 years that Father Ritter "engaged in sexual activities with certain residents and made sexual advances" toward other people with whom he worked.

It said the charges against Father Ritter cannot be dismissed as "copy-cat" allegations because those allegations were being made long before their public disclosure, and often were disclosed to other people at about the same times as the alleged events.

"Even if one were to accept Father Ritter's explanation of the events," the report said, "... Father Ritter exercised unacceptably poor judgment in his relations with certain residents."

The report, released by Covenant House Aug. 3, said Father Ritter spent evening

hours alone in the company of "prostitutes with troubled pasts," and exposed himself to "charges of improper conduct that are impossible totally to rebut."

"It was irresponsible for Father Ritter, president of an organization entrusted with the welfare of young people, to have put himself in such a defenseless position," the report said.

Regarding allegations of financial and administrative irregularities at Covenant House, the report found that corrective actions had been taken.

"This report would be incomplete and seriously misleading if we did not say that we found far more right with Covenant House than we found wrong with it," it concluded. "The organization is sound, and its work is essential and effective."

The report was submitted by Robert J. McGuire, a former New York City police commissioner hired March 7 by the Covenant House board to investigate all charges relating to the agency.

Controversy over Father Ritter arose last winter when it was revealed that the Manhattan district attorney was investigating allegations by a young man,

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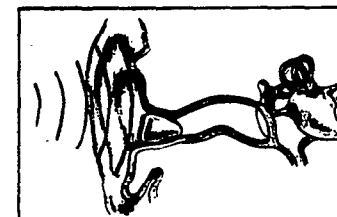
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