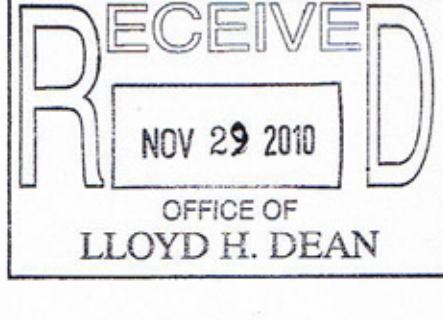




November 22, 2010

Lloyd H. Dean, President
Catholic Healthcare West
185 Berry Street, Suite 300
San Francisco, CA 94107



Dear Mr. Dean,

I received your letter dated 27 October 2010 accompanied by the moral analysis from M. Therese Lysaught, Ph.D. Undoubtedly, the assessment from Dr. Lysaught is extensive and I appreciate the diligence with which it was drafted. At the same time, however, I disagree with her conclusion. In point of fact, throughout our dialogue and cooperative efforts during these last few months, it is more than apparent that the position of CHW is that discerning minds can disagree. Specifically, you stated in a letter to me dated 6 July 2010, "As you know, many knowledgeable moral theologians have reviewed this case, and reached a range of conclusions. If we may assume that these individuals are motivated by their faith and desire and for justice, one must at least acknowledge that this is a very complex matter, on which the best minds disagree." Thus, it would appear that your intention is to resolve our disagreement by asserting that there is no single "correct" answer to the question of whether the procedure that led to an abortion at St. Joseph's Hospital was morally permissible under the Ethical and Religious Directives of the USCCB. In effect, you would have me believe that we will merely have to agree to disagree. But this resolution is unacceptable because it disregards my authority and responsibility to interpret the moral law and to teach the Catholic faith as a Successor of the Apostles.

The decisions regarding life and death, morality and immorality as they relate to medical ethics are at the forefront of the Church's mission today. As a result, the Church and her bishops have a heightened moral responsibility to remain actively engaged in these discussions and debates. I have attempted to do my part in calling CHW and your hospitals to uphold the dignity of human life, and to embrace the fullness of what the Catholic Church teaches on the immorality of those actions that are an affront to the gift of human life and its inherent goodness from God. The irony of our present state of affairs is that an organization that identifies itself as "Catholic" (CHW), is operating a hospital in my Diocese that does not abide by the ERD's, and in the case of St. Joseph's Hospital, has actively engaged in an abortive procedure that is immoral. Thus far, you (CHW) have insisted that you are not doing anything wrong, but that your interpretation of the ERD's simply differs with my own. According to Catholic teaching though, there cannot be a "tie" so to speak in this debate. Rather, it is my duty as the chief shepherd in the diocese to interpret whether the actions at St. Joseph's and other hospitals meet the criteria of fulfilling the parameters of the moral law as seen in the ERD's.

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Until this point in time, you have not acknowledged my authority to settle this question but have only provided opinions of ethicists that agree with your own opinion and disagree with mine. As the diocesan bishop, it is my duty and obligation to authoritatively teach and interpret the moral law for Catholics in the Diocese of Phoenix. Because of this, the moral analyses of theologians are important elements that should assist and inform a bishop in the exercise of his teaching authority. However, it is ultimately the authority of the bishop as teacher and pastor that is determinative, something you yourself have rightly recognized. While the issues discussed in the moral analysis you provided are certainly technical and deeply philosophical, they are also foundationally "theological." And the theology of the Catholic Faith, as concretized in the Code of Canon Law, dispels any doubt whose opinion on matters of faith and morals is decisive for institutions in the Diocese of Phoenix.

It is now my position that our deliberations regarding the tragic abortion at St. Joseph's Hospital have gone on for far too long, and I believe that there is little hope that you intend to conclude that this case constitutes a violation of the ERD's. Similarly, as you are aware, since my arrival in the Diocese of Phoenix, I have sought to engage you and the officials at CHW on the topic of my absolute objection to CHW operating hospitals without following the ERD's; namely my objections to your administration of Chandler Regional Hospital, where as an organization calling itself "Catholic," CHW authorizes sterilizations and I know not what other immoral acts. I continue to find this particular arrangement deeply troubling. I see no basis to conclude other than that there is no intention on the part of CHW to modify or change its operations at Chandler Regional.

However, in keeping with my moral authority as Bishop of Phoenix and my interpretation of the ERDs based on that authority, I have determined after review of the facts and circumstances that an abortion did occur at St. Joseph's. Additionally, my efforts to convince you of the impossibility of a "Catholic" organization to operate in such a way as to not adhere to the ERD's, has fallen on deaf ears with no apparent progress in more than six years. If actions speak louder than words, your actions communicate to me that you do not respect my authority to authentically teach and interpret the moral law in this diocese. Moreover, your actions imply that you have no intention to acknowledge that what happened at St. Joseph's hospital was morally wrong according to the ERD's. Subsequently, this would entail that you will not change your mode of operation in assessing future cases in which similar circumstances are present.

In sum, my interpretation of where we stand at this point is that you would have me accept that: A) While tragic, what happened at St. Joseph's Hospital was unfortunate, but an acceptable occurrence in line with the ERD's. Further, if the same scenario would present itself again, your administration would likely carry out the same measures with the same result. B) Chandler Regional Hospital does not have to explicitly abide by the ERD's since it is not a "Catholic" hospital, even though operated by "Catholic" Healthcare West.

The conclusion I take away from this analysis is that you do not intend to change anything. While my objections and our correspondence have garnered your undivided attention, you have discounted my legitimate authority. Because of this I must now act. I do so not only to assure that no further such violations of the ERD's occur, but also to repair the grave scandal to the Christian faithful that

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has resulted from the procedure that took place at St. Joseph's and the subsequent public response of CHW.

Accordingly, I now ask that CHW agree to the following requirements by **Friday, December 17, 2010**. Only if all of these items are agreed to, will I postpone any action against CHW and St. Joseph's Hospital. Specifically, I require the following in order for me to postpone any further canonical action directed against St. Joseph's Hospital:

1. CHW must acknowledge in writing that the medical procedure that resulted in the abortion at St. Joseph's Hospital was a violation of ERD 47, and so will never occur again at St. Joseph's Hospital.
2. CHW must agree to a review and certification process conducted by the Medical Ethics Board of the Diocese of Phoenix to ensure full compliance with the Ethical and Religious Directives of the USCCB. The Bishop and his representative from the Medical Ethics Board must have appropriate access to their facilities and protocols for review. (As hospitals and health care organizations submit to similar kinds of certifications from the government or from medical oversight organizations, it should not be unusual to have a group from the Catholic Diocese to certify that hospitals run by CHW are in full compliance with Catholic moral teaching).
3. CHW must agree to provide for the medical staff at St. Joseph's Hospital ongoing formation on the ERD's, as overseen by either the National Catholic Bioethics Center or the Medical Ethics Board of the Diocese of Phoenix.

Failure to fulfill these three requirements will lead me to decree the suspension of my endorsement of St. Joseph's Hospital, forcing me to notify the Catholic faithful that St. Joseph's Hospital no longer qualifies as a "Catholic" hospital because of its failure to acknowledge the Bishop's right and duty to judge whether the ERD's are interpreted and implemented correctly. This is a decision that will be immensely difficult for me, but one that I can and must make. I intend to publicly revoke my endorsement of St. Joseph's Hospital as a "Catholic" hospital unless I hear from you by **Friday, December 17, 2010**. Only when you agree to all three terms as described above, will I agree to reconsider my public announcement regarding the status of your Catholic identity. A revocation of my endorsement of St. Joseph's Hospital would necessitate the following actions:

- Removal of the Blessed Sacrament from all Chapels and Tabernacles at St. Joseph's Medical Center.
- Prohibition of all Masses celebrated in Chapels within St. Joseph's Medical Center.
- Public advisory from the Bishop's Office issued through the Catholic Sun Newspaper and Website that St. Joseph's no longer qualifies as a "Catholic" hospital.

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- Priestly ministry and other ministry to the sick will most certainly continue within St. Joseph's Hospital, as it does in any hospital when the sacraments or pastoral care are requested by patients.

As for Chandler Regional, I simply invite you to put into motion a process for changing your modus operandi with respect to the implementation of the ERD's at Chandler Regional. While my decision regarding Catholic identity does not affect Chandler Regional in the same way, the issues about which we disagree are also related to the authentic identity of CHW as a whole. I recognize that my objections to how Chandler Regional operates are more involved, but I would foresee us needing to address those directly in the near future.

As the chief shepherd of the Diocese of Phoenix, I sincerely hope that you will respect my authority to be vigilant over all entities wishing to represent themselves as Catholic organizations. For the sake of the salvation of souls and in the interest of justice for the scandal that this present arrangement has created amongst the Catholic community, I ask you to reconsider your position and adhere to my requests.

Sincerely yours in Christ,

+Thomas J. Olmsted
Bishop of Phoenix

cc: Most Reverend George H. Niederauer, Archbishop of San Francisco
Most Reverend Pietro Sambì, Apostolic Nuncio of the United States