

Catholic hospital argues fetuses aren't 'people'

by [Bob Smietana](#) in the [February 20, 2013](#) issue

A Catholic hospital in Colorado has argued in court documents that it is not liable for the deaths of twin seven-month-old fetuses because those fetuses are not people under state law. So far, courts have sided with the hospital. But the hospital's line of defense appears to contradict Catholic teaching that human life is sacred from the moment of conception.

The issue of whether a fetus is a person was raised in a lawsuit filed by Jeremy Stodghill, whose 31-year-old wife, Lori, died in 2006 at St. Thomas More Hospital in Canon City, Colorado.

Lori Stodghill was seven months pregnant with twins at the time. The suit claims that the hospital failed to perform an emergency cesarean section to save the fetuses.

According to published reports, a brief filed by the hospital, owned by Englewood, Colorado-based Catholic Health Initiatives, said that the fetuses are not covered by the state's Wrongful Death Act. "Under Colorado law, a fetus is not a 'person' and plaintiff's claims for wrongful death must therefore be dismissed," the hospital argued.

A state district court and an appeals court agreed with the hospital. The case, originally filed in 2007, is currently on appeal to the Colorado Supreme Court.

Southern Baptist ethicist Richard Land said the hospital failed to live up to its pro-life principles. "There's a difference between being legal and being right," Land said. "Either a fetus is a person or it's not."

Catholic Health Initiatives, which runs 78 hospitals in 14 states, would not comment on the specifics of the lawsuit. But the organization said in a statement that it follows Catholic teaching.

“First and foremost, our heartfelt sympathies have always been with the Stodghill family as a result of these tragic circumstances,” the statement said. “In this case, St. Thomas More, Centura Health and Catholic Health Initiatives, as Catholic organizations, are in union with the moral teachings of the church.”

The three Catholic bishops in Colorado said January 24 that they’d recently learned of the death of Lori Stodghill and her two unborn children and expressed their condolences.

“We wish to extend our solidarity and sympathy to Lori’s husband, Jeremy, and her daughter, Elizabeth. Please be assured of our ongoing prayers,” said Archbishop Samuel Aquila of Denver, Bishop Michael Sheridan of Colorado Springs and Bishop Fernando Isern of Pueblo in a statement.

The bishops said they could not comment on ongoing legal disputes. But they added that they will review the litigation and policies of Catholic Health Initiatives to ensure they conform with Catholic teaching.

“Catholics and Catholic institutions have the duty to protect and foster human life, and to witness to the dignity of the human person—particularly to the dignity of the unborn,” the bishops said. “No Catholic institution may legitimately work to undermine fundamental human dignity.”

Catholic dioceses in Tennessee, New York and Pennsylvania are suing the federal government over the contraceptive mandate for employers. Those Catholic groups say the mandate violates their religious beliefs about the sanctity of life.

In 2010, St. Joseph’s Hospital and Medical Center in Phoenix lost its standing as a Catholic hospital after doctors there performed an abortion they believed was needed to save a mother’s life. Bishop Thomas J. Olmsted of Phoenix said the hospital should have followed Catholic teaching, which bans any direct abortion.

The Canon City, Colorado, lawsuit isn’t the first time that a Catholic hospital has argued that it is not liable for the death of a fetus. In 1996, the Florida Supreme Court ruled that a mother could not sue St. Vincent’s Medical Center of Jacksonville over the death of her unborn child.

William Kuntz, St. Vincent’s trial attorney, defended the hospital’s stance at the time. “We’ve never contended that a fetus is not a person,” Kuntz told the *Orlando*

Sentinel in 1996. “We’ve always said that an unborn person does not have the right to bring a lawsuit in Florida.” —*USA Today*

This article was edited Feb. 19, 2013.