

REDACTED

Most Rev Peter W Ingham DD  
 Bishop of Wollongong  
 PO Box 1239  
 Wollongong SCMC NSW 2521

<b>Diocese of Wollongong</b>		
<b>30 APR 2004</b>		
Bishop	Chancellor	DFA
Refer <i>Original of letter recd by email.</i>		
File	Reply	

Dear Bishop Ingham,

I acknowledge receipt of your email of March 8, 2004, in which you refuse to grant me a letter stating that I am a priest in good standing in the Diocese of Wollongong, in spite of my being such. As I stated in this request, this has caused distress in the wedding plans of two faithful Catholics who simply wished to have me officiate at their suburban Chicago wedding.

In that email, you state that "...this is yet another consequence stemming from your refusal to follow your Bishop's direction and advice prior to my coming to this Diocese". In spite of my email request for an explanation of this charge, I have received nothing from you. I have also put this statement to a senior priest of Wollongong diocese, who is similarly unable to explain it.

I trust you are not referring to Bishop Wilson's "Decree" of August 7, 1998, declared- as I have already reminded you in writing to be- "lacking basis in law and in fact, thus said decree lacks any juridic effect". I would hope that any Catholic would refuse to follow a direction that was illegal under Church law.

I have always acted in obedience to lawful Church authority. On the other hand, I must point out in fraternal charity that from the time you were installed as Bishop of Wollongong, July 25, 2001, until April 22, 2002, there was a Decree of the Congregation ordering my pastoral appointment in the Diocese of Wollongong. You made no attempt to implement that Decree and I must state that this is a matter of disobedience to the Church's highest authority. It is not I who have not followed lawful authority.

I am not sure if your various communications to other Bishops have included this charge. If so, as a priest, I must advise you to attempt restitution so that you can be forgiven of this calumny in the Sacrament of Penance and return to the worthy celebration of the Sacraments.

Your continuing attempts to damage my good name, harassment in not granting me the normal permissions given to priests, in suspending for several months the income to which I am entitled, infringes not only Church law, but the civil law in Australia. In particular, defamation and lack of natural justice (due process) are matters which Australian courts have often concerned themselves. This might be especially relevant in this case, when the Congregation for Clergy has drawn the attention of your predecessor on two occasions, to the fact that he was damaging my good name; and in the case that your suspension of my income was directly contrary to the

direction of the Apostolic Signatura. You can hardly claim ignorance in these matters. In addition, the difference in the treatment of Cardinal Pell, also found not guilty of sexual misconduct by the judge appointed to examine the claim against him, and myself, must be particularly glaring in a country where fairness and equality before the law are highly valued.

My approach has always been to suffer wrong rather than embarrass the Church by drawing attention to the faults of its leaders. This I believe I have followed to an heroic degree. I intend to continue this approach.

However, your continuing calumny of me to bishops who wish to use me in pastoral service in the United States, does present me with a dilemma. As I have stated, I believe that it is in the interests of the Church, because of the actions of the hierarchy, that I not return to Australia. But if I cannot be employed in the United States because of your actions, eventually I must return to Wollongong. It has been suggested to me that pastors would be only too happy to have my services there for regular supply. My and their canonical ability to do this, has been clearly enunciated by excellent authority on a number of occasions in front of other priests as well as myself.

I believe that this would not be in anyone's best interests. In addition, I believe that this would be likely to lead various Church authorities to act in ways that would leave me no option but to seek remedy before civil law.

As I mentioned, defamation and lack of natural justice (due process) are matter to which as a citizen I am entitled to seek civil remedy. The Vatican authorities seem unable or unwilling to redress my situation. You have continued what I must call a cynical appeal to the Apostolic Signatura, while apparently trying to ignore that the Congregation for Clergy- as well as the NSW District Court, the NSW Police Service and the Assessors appointed by Bishop Wilson- who have given written reports that state my innocence.

In addition, the politicization of the appeal by the entry of Archbishop Carroll as Chairman of the Central Commission of the Australian Catholic Bishops' Conference, has removed any hope that even a decision favorable to you by the Apostolic Signatura, could be of any comfort. Such a decision would be seen by any reasonable person, as a contrast to the decision by the Congregation for Clergy, arrived at by fair appraisal of the facts and on the basis of justice, rather than political expediency as defined by the Australian bishops. I am not sure that you- or they- realize the no-win situation in which this has placed them.

You may be aware that my appearance before the NSW District Court in 1997 was set down for ten days because of the evidence I intended to produce if required; but it was not necessary for me to call a single witness. Part of the reason for not presenting this evidence was to protect various people in the Church from the consequences of their actions coming to light. I would prefer that that information, never come before the public. In addition, I have written information which would be relevant in action for defamation made against me, by two members of the episcopate apart from your own written admission to me in a previous letter. Subpoenas would uncover various other documents which would be of interest to a civil court. I

am not sure that some of the information which would be brought to light, would not be investigated by legal authorities to determine if criminal law had been breached.

Please do not wrongly assume that I am issuing any type of threat- if I wished to do so, I would not have persevered in my quiet priestly work in spite of the damage inflicted on my character and health, to my family and to many other people. I simply wish to share with you my thoughts concerning the future. Most particularly, because I am not sure that you have any plan for dealing with me at all, apart from infinite delay and hoping things will right themselves. It is unlikely that I will soon die; the documents that I have mentioned above, stating my innocence, will not disappear. The scandal felt by many people in Wollongong and in other areas and other countries because of the actions of you and your predecessor, will not abate unless this matter is addressed. Perhaps you believe that the Apostolic Signatura can be relied upon to keep this matter in permanent limbo, so that you do not ever have to act. But as I have stated, this cannot continue for much longer.

In previous letters, I have urged you to take initiative in this matter. I am not sure if you feel capable of what seems to myself and others, a simple solution: To admit that mistakes have been made, to accept the judgment of civil and Church authorities in my regard, to withdraw your appeal (unless for some reason the Apostolic Signatura inclines itself to resolve it), and allow me to regularize my situation in one of the areas of pastoral work which I have been doing since the false accusations were first made about me. The Congregation (and the others mentioned above) has spoken, and nothing can change what they have written.

I am a priest in good standing, I have demonstrated my innocence in all matters raised, as is documented; interminable delay will only force to public light, issues which are better lost to history. Both before and since the false accusation made against me, my priestly work has won approval from lay people and my superiors, in Australia and in the United States. I will continue to carry out the priestly work for which I was ordained. I must state with the greatest respect that your course of action- one perhaps put to you by other members of the Australian episcopate- cannot succeed. It can only cause further harm, initially to the hierarchy of the Church in Australia, but because of this, to other of Christ's faithful.

Wishing you Easter blessings and praying that God grant you wisdom in your work for His Church,

Yours sincerely,

  
Father John G Nestor MBA MTh

cc: His Eminence, Marius Franciscus Cardinal Pompedda  
His Eminence, Dario Cardinal Castrillon Hoyos