

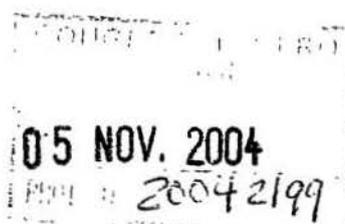
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United States of America

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October 21st, 2004

His Eminence Cardinal Dario Castrillon Hoyos
 Prefect
 Sacred Congregation for the Clergy
 Piazza Pio XII 3
 00193 Rome Italy



Eminence,

I write to you today to seek recourse from my ordinary, Most Rev Peter W Ingham, Bishop of Wollongong, New South Wales, Australia, against his not issuing me with the requested *Celebret*.

I wrote to Bishop Ingham on August 20, 2004 (copy attached), formally requesting that he grant me the *Celebret* which should be available to me, as a priest of his diocese. Receiving no reply, I wrote again to Bishop Ingham on September 8th, 2004 (copy attached). I was then sent a copy of his letter to me of September 17, 2004 (copy attached) though I have never received the actual signed letter. On September 21st, 2004, I wrote requesting Bishop Ingham to reconsider his decision not to grant me the *Celebret*, which seems to be the sense of his letter of September 17, 2004.

You will recall that I appealed to the Congregation regarding a Decree of my then ordinary, Bishop Philip Wilson (issued August 7, 1998). The Congregation issued a Decree (Prot N. 20001201) on December 21, 2000 stating the nullity of the Bishop's Decree due to its lack of compliance *de procedendo* and *de decernendo* "in that it lacked basis in law and in fact".

The Most Reverend Wollongong Diocesan Administrator (Reverend Father Bryan Jones) appealed against this Decree, but the appeal was rejected by the Congregation in a Decree (Prot N. 20010676) dated May 19th, 2001.

Meanwhile, the Wollongong Diocesan authorities appealed to the Apostolic Signatura. On May 13, 2002, the Apostolic Signatura issued a temporary Decree (Prot N. 32109/01CA) suspending that part only of the Congregation's Decree of December 21, 2000: "the Rev. Nestor is to be restored immediately to the full exercise of his priestly ministry in the Diocese of Wollongong". I note that I have never had my faculties removed in Wollongong or any other Diocese; also that, though not appointed to a pastoral office, I had been exercising priestly ministry in accordance with law throughout the period from August 1998 to the present, and the Bishop is aware of this.

I also note that Bishop Ingham made no attempt to implement the Congregation's Decree in the period from July 25, 2001 (when he became Bishop of Wollongong) and April 22, 2002 (the date of the Apostolic Signatura partial and temporary suspension of the Congregation's Decree), without the benefit of any apparent authority to justify his failure to act in this matter.

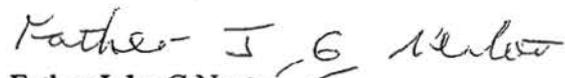
The refusal of my diocesan ordinary to grant me a *Celebret* causes hardship to me and distress to members of the faithful. In addition, my ordinary has communicated incorrect and harmful information to a number of bishops, regarding my status.

Both the Congregation for Clergy, and all civil authorities in Australia, have cleared me of any suggestion of wrongdoing by December 21, 2000. No new claims of wrongdoing have been made since that time. I have continued to exercise my priestly ministry for several years without any complaint, in parishes, hospitals, university chaplaincies, Catholic schools and to religious.

I ask that the Congregation direct my Bishop, Most Reverend Peter W Ingham, to issue me with a *Celebret*, to make restitution for the damage he has continued to do to my good name, and to desist from communicating incorrect and discredited information to other persons.

With my appreciation for the Congregation's efforts in this matter,

Yours sincerely in Our Lord,


Father John G Nestor.