

Parish Centre
100 Casey Crescent
CALWELL ACT 2905
20 November 2000

Mr William Kamm
PO Box 24
BOMADERY NSW 2541

Dear William,

Thank you for responding to my letter of 30 October. I received a copy of Volumes 1 and 2 of "The Testament and Mystical Life of William Kamm." Along with your letter of 2 November, I received further publications pertaining to your life and work and copies of correspondence and supporting documentation. I have given the material due consideration, as well as that received afterwards but post-marked 24 and 25 October.

As previously requested, you need to formalise my appointment as your Advocate. Please sign and date the enclosed mandate and return to me for my signature. In due course, I will make comment on the transcript of your testimony before the inquiry initiated by Bishop Wilson. Meanwhile I will address your concerns about the bishop's 27 September decree.

I note Father Kevin Matthews' response to your request for a Procurator. If the matter was to be revisited, the competence of Fr. Broussard would need to be determined according to c.1483.

RE BISHOP WILSON'S DECREE OF 27 SEPTEMBER 1999

This decree was a cause of concern for you during your interview of 21 October 2000. I received a copy of the same from Bishop Wilson. I have considered your opposition to the decree, especially as outlined in your letter of 30 September to Bishop Wilson.

Bishop Wilson's decree addresses 3 issues:

- (1) 'the canonical requirements for the administration of Holy Communion'
- (2) A 'canonical doctrinal investigation . . . in the (then) preliminary stage'
- (3) Concurrent 'developments in the organization you (William Kamm) supervise that have drawn my attention.'

Plainly, it is with respect to the third point and in particular the four specific requests ('Therefore, I ask you to:') that the substance of the decree is addressing.

Your quoting of cc.1628, 1638 and 1417/1 are inappropriate to the status of the decree and the point at issue. Canon 57 and cc.1732-1739, for recourse against administrative decrees are the appropriate canons, in contradistinction to those appealing against a sentence in the judicial forum, to which your nominated canons refer.

Bishop Wilson has informed me that he forwarded copies of his decree to the Congregation for the Doctrine of the Faith and the Congregation for Institutes of Consecrated Life and for Societies of Apostolic Life. The bishop also informed me that your letter of appeal of 30 September, in which you requested, under cc.1628, 1638 and 1417/1, that it be forwarded "to His Holiness, John Paul II, and the Holy See, to intervene in this matter," was not forwarded. Your confusion of the appropriate basis of recourse may be at the basis of the bishop's inaction in this regard. Besides, your letter of 30 September indicated that copies were already forwarded to the bishop's superiors. This would explain Fr Kevin Matthews inquiry as to whether you forwarded your appeal to the bishop's superiors.

Whatever about the foregoing, the fact is that you wanted to appeal the bishop's decree. Insofar as you have received no response from the bishop to your appeal, then the presumption in law is that his response is in the negative. Similarly, on the presumption that you did forward an appeal to the bishop's superiors, the lack of response from the Congregation must also be in the negative.

To be frank, I cannot see any founded canonical basis to your appeal in the first place. Bishop Wilson's decree was issued in response to the perceived ecclesiastical good (c.223). It is noteworthy, and in keeping with corrective rather than the punitive nature of the revised (1983) Code, that the bishop appeals to your sense of the ecclesiastical common good in asking rather than more strongly insisting or ordering that you concur with his admonitions. That being said, the mind of the bishop is quite clear. The documentary basis to the decree was your press statement (6 May 1999) and fax to the bishop (2 June 1999) to the effect that your community had received canonical approbation. To then challenge the decree, as Fr Broussard does, on the basis that the bishop has misunderstood you is clutching at straws. Even if this were so, the decree does clarify or remove any doubt as to the present status of your community. Logically, there would be no need of an inquiry if your community already had the canonical status which the decree says it does not. This is not to say that that status might not be revised following the inquiry.

There is no doubt in law (c.14) as Bishop Wilson is the legitimate authority to determine the canonical status of your community, at least in the first stage of that canonical recognition you appear to ultimately seek (c.605).¹

Whatever about the status of Bartholomew Schneider, please be advised that ecclesiastical jurisdiction over yourself and the community you are seeking canonical recognition for is proper to the authority of Bishop Wilson by virtue of your domicile. On the 19 May 1999 the Congregation for Institutes of Consecrated Life and for Societies of Apostolic Life unequivocally stated in their response to your request for canonical approbation:

“Once again, this Congregation repeats the judgement it has communicated already on several occasions: *because the Order of St. Charbel, Inc., does not enjoy the approval of the Bishop of Wollongong, no consideration of approval will be initiated by this Dicastery*” (my emphasis).

You would have it that the inquiry has been prejudiced by the bishop's decree. On the contrary, the decree calls you to acknowledge the current canonical status of your community and to act accordingly. This is not to say that the prayers and good works of your community cannot continue (cc.214-215), subject to legitimate authority, as expressed by the bishop's decree (c.223), pending the findings of the inquiry. If you do not comply with the decree it would, I suggest, be tantamount to *your* presuming the inquiry's canonical approval of your community. ***With due respect to your personal integrity, you must***

¹ Fr. Kevin Matthews was canonically correct in referring to the “so-called order of St. Charbel” (12 May 2000). As he succinctly noted then, and I repeat:

- “1. Recognition of an Institute of Consecrated life is a long and tedious process that requires several steps:
 - a. Recognition by your own bishop as a “Pious Association” or “Pious Union” or “Confraternity” that is seeking recognition as an Institute of Consecrated Life. This period lasts several years and is closely scrutinized. With a new form of consecrated life in line with the mind of “Vita Consecrata” it might take even longer before step “b”.
 - b. The second step is recognition as an Institute of Diocesan Right. Under the terms of Canon 579, this requires that the bishop consult the Apostolic See. Canons 594 and 595 make clear that the Institute remains under the control of the Diocesan Bishop.
 - c. The third stage is recognition as an Institute of Pontifical Right by the Vatican after a testing period.
2. It is clear to me, that while you might have civil recognition, you do not have the approval of your Diocesan Bishop nor any of the above forms of recognition. No other authority but your own bishop can give you the required recognition to start this process.
3. Since you simply do not exist as a canonically recognized body, I would be betraying the stance of the Church to give your group recognition to which you are not entitled and which I have no right to award. I would, in other words, not be impartial.
4. It is precisely one of the purposes of this inquiry to determine whether you merit such recognition.”

clearly understand that there is a distinction of fact between whatever status you and others afford your life and that of your community and what status the law of the church (i.e. the Code of Canon Law) affords them. Bishop Wilson is asking you to do no more or less than acknowledge the canonical fact that your community has no canonical status as a religious institute and to refrain from acting as if the contrary were the case. And so, if you do not have a canonically founded basis to seek hierarchical recourse (and, in my considered opinion, you do not),² then it is incumbent upon me as your Advocate to advise you that to ignore the bishop's decree would place you in a position of public disregard of lawful ecclesiastical authority.

I am still awaiting receipt of a transcript of your testimony of 21 October 2000. I will duly present my observations on the same in my capacity as your Advocate.

Yours sincerely,

A handwritten signature in cursive script that reads "John Woods". The signature is written in dark ink and is positioned above the printed name.

FATHER JOHN WOODS

² "Recourse must be reasonable and according to the norms of law, i.e., *resting on solid grounds* and neither arbitrary nor founded on such arbitrary motives as whim or caprice." James E. Risk, S.J., *Canon 57, General Norms*, in "The Code Of Canon Law: A Text And Commentary," Canon Law Society Of America, James A. Coriden, et al., editors, Paulist Press, NY, 1985, p.55.